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NATIONAL REVIEW

HOW SUGAR INTERESTS RIP OFF AMERICA AND HARM THE NATIONAL INTEREST

BY JASON LEE STEORTS

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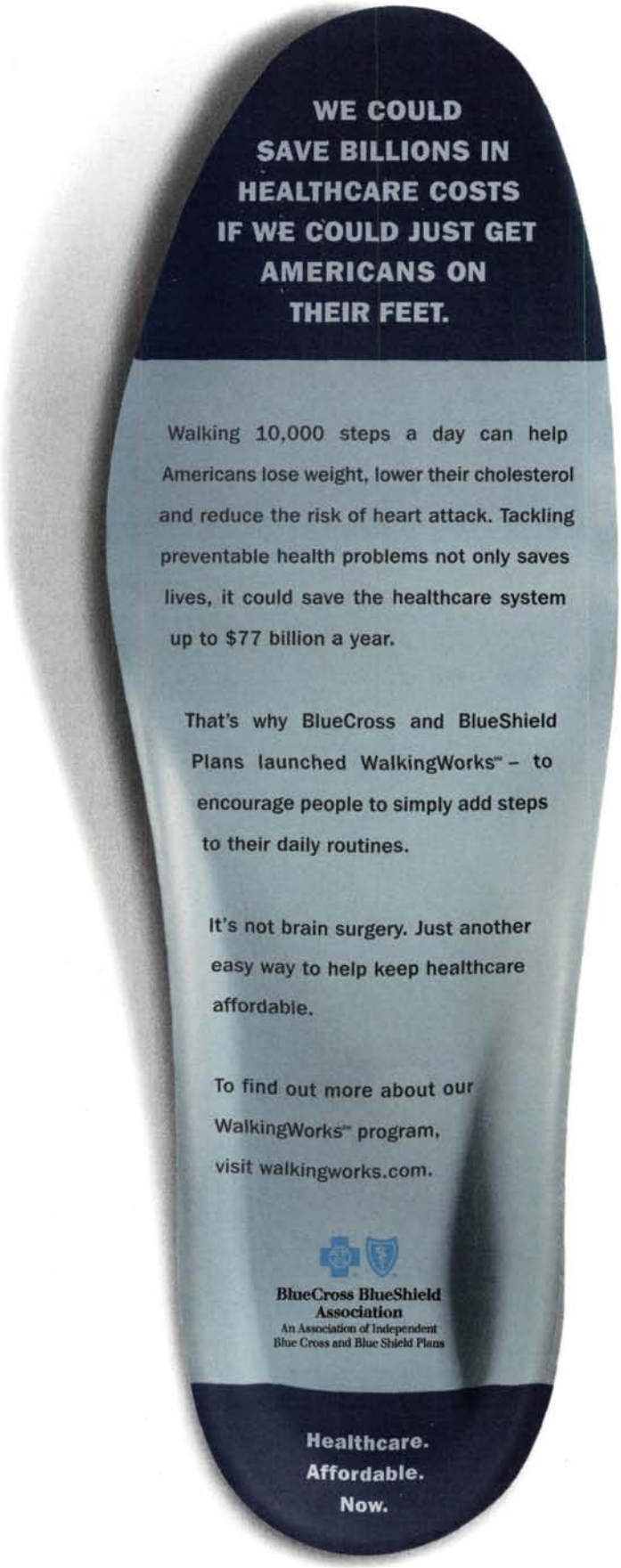
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JULY 18, 2005 VOL. LVII, NO. 13

NATIONAL REVIEW

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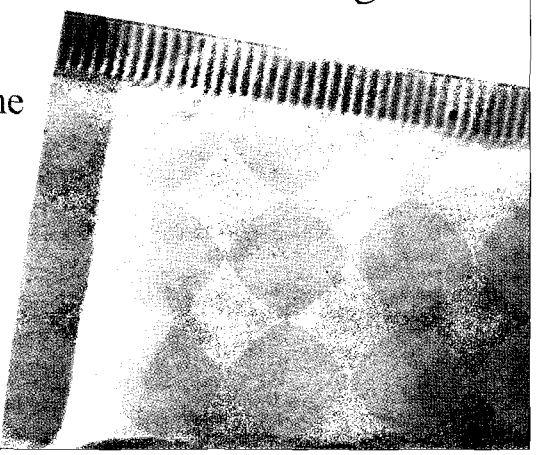
■ COVER STORY

Sugar Daddies

Page 34

For decades, powerful sugar growers have gotten politicians to enrich them with a protectionist scheme that inflates domestic sugar prices to the detriment of American consumers, manufacturers, farmers, and the economy. In that congeries of absurdities known as U.S. farm policy, sugar's sweet deal stands out as perhaps the most damaging and least defensible program. Now, more than ever, it needs to be scrapped. *By Jason Lee Steorts*



ARTICLES

18 Mr. Smith Went to Washington *by Byron York*
And he was something different at the FEC.

20 Hot Enough for You? *by Jerry Taylor*
The state of the global-warming debate, and politicking.

22 A Race-Based State *by Ramesh Ponnuru*
Hawaii wants a segregation that would boggle your mind.

26 Ortega, Again *by Otto J. Reich*
The Left's dear comandante comes back in Nicaragua.

28 Orwell in the Tropics *by Jay Nordlinger*
The nightmare of Cuban refugees continues in the Bahamas.

30 Righteous Protests *by Rachel Zabarkes Friedman*
When the Vietnamese prime minister came to the United States, he heard from Vietnamese Americans.

34 Sugar Daddies *by Jason Lee Steorts*
How sugar interests rip off America and harm the national interest.

37 The Islamic Republic of Holland *by John O'Sullivan*
How one nation deals with a revolutionary problem.

39 The Bad Decision That Started It All *by Robert P. George & David L. Tubbs*
Griswold at 40.

BOOKS, ARTS & MANNERS

44 One Church, After All—*Michael Potemra* . . . Is the Reformation Over? An Evangelical Assessment of Contemporary Roman Catholicism, *by Mark A. Noll and Carolyn Nystrom*

45 Love Story?—*Allan Carlson* . . . Marriage, A History: From Obedience to Intimacy, or How Love Conquered Marriage, *by Stephanie Coontz*

47 Still the One—*Jeffrey Hart* . . . Shakespeare After All, *by Marjorie Garber*

48 The Dress of Thought—*John Derbyshire* . . . Empires of the Word: A Language History of the World, *by Nicholas Ostler*

50 Travel: Easy Riders—Andrew Stuttaford discovers Mongolia's lost glory, and newfound confidence.

52 City Desk: Gotta Be the Shoes—Richard Brookhiser talks the walk.

SECTIONS

2 Letters
4 The Week
16 Notes & Asides
42 Help!
43 The Long View
49 Poetry
54 On the Right
56 Happy Warrior

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letters to the editor

MITT 'N' MARRIAGE

In light of John J. Miller's article on Mitt Romney ("Matinee Mitt," June 20), I believe it is appropriate to recognize that, in his capacity as head of the executive branch of Massachusetts, Romney seems to be enforcing a non-existent same-sex-marriage law. If this is true, Romney is at least as responsible for the existence of same-sex marriage in Massachusetts as chief justice Margaret Marshall of the supreme judicial court.

As most are aware, the *Goodridge* decision that Marshall wrote announced a requirement for same-sex marriage. What many do not know is that the *Goodridge* decision did not actually create same-sex marriage. To the contrary, Justice Marshall left the task of reforming the law to the appropriate branch of government: the legislature. She merely said that the *absence* of same-sex marriage violated the Massachusetts constitution.

At the outset of the *Goodridge* decision, Marshall correctly declined to interpret the law to provide explicitly for same-sex marriage. But she then considered the constitutionality of the absence of same-sex marriage. In a feat of seemingly impossible proportions, the absence itself was deemed unconstitutional. She ordered that the decision be delayed for 180 days—allowing the legislature sufficient time to provide for same-sex marriage (because it was absent) and thereby to avoid a constitutional impasse. The court later stated that the reason for the delay in *Goodridge* had been "to afford the Legislature an opportunity to conform the existing statutes to the provisions of the Goodridge decision." The decision, then, was clearly not intended to self-execute.

Aside from dickering about with a proposed constitutional amendment, the legislature has yet to address same-sex marriage in Massachusetts: The laws remain unchanged. This, in conjunction with the *Goodridge* court's observation that there is an absence of a same-sex-marriage provision in the law, compels the unremarkable conclusion that even today same-sex marriage does not properly exist in Massachusetts.

Mitt Romney, however, has taken it upon himself to fashion a remedy to the court's decision. Given the separation of powers set forth clearly in the Massachusetts constitution, that remedy properly lies with the legislature—a point the court repeatedly made.

This is more than quibbling over semantics. The executive branch wields the power of the sword, and that power must be tied to the will of the people. It is true that if Mitt Romney were to decline to enforce a non-existent same-sex-marriage law, the legislature would likely create some version of same-sex marriage. But at least the people, through their representatives, would have a say in the matter. And that is no small thing.

Jonathan Goulding
Lancaster, Mass.

ECONOMY-CLASS SYNDROME

Mark Steyn has missed the point ("Fly Me a River," June 20). The U.S. airlines *do* understand customer service, but they also know that people are not willing to pay for it. There has been a "noticeable decline" in cabin service because the flying public wants low ticket prices, not better service. One of the only airlines that is profitable right now is Southwest Airlines, which invented the "grubby bus ride," whereas Pan American, the airline that Leonardo DiCaprio pretended to work for in *Catch Me If You Can*, is no longer with us. The free market has spoken: Low fares and Southwest Airlines–style non-service are what the public is willing to pay for, so that is what we will have.

Gary T. Fisher
Pinckney, Mich.

CORRECTION

In the April 25 issue, the poem "With My God, the Smith," was attributed to Robert Mezey. It was actually written by Uri Zvi Greenberg, and translated by Mr. Mezey.

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Cutting-Edge Commentary on Public Policy

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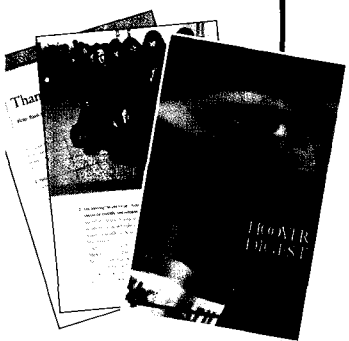
RESEARCH AND OPINION ON PUBLIC POLICY



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"The only approach to solving the problem of safety in a world of Islamic and Arab radicalism is to change the culture of the region. A year ago people were saying that was a utopian dream. History is beginning to show that it is not."
By Charles Krauthammer.

We have proven that there is a universal will to freedom and to decent governance and that if you can remove the impediments and the fear, it will express itself. Everywhere.

It was the Bush doctrine, Bush action, Bush determination, and the fact that Bush was willing to risk his presidency on a war that he believed absolutely necessary that gave the Iraqis and Lebanese the power to express themselves. . . .

Democracy is on the march, and if we continue with the boldness and courage that we have shown during the past few years, we could see that revolution through. And if revolution occurs, it would be the first great step toward undoing the culture of hatred, intolerance, anti-modernism, anti-Americanism, and anti-Westernism that exploded on 9/11.

Putting Money in a Safe Place—Our Pockets

Why personal retirement accounts are "an essential ingredient in any plan to fix Social Security's financial problem." By John F. Cogan.

Unless Social Security, Medicare, and Medicaid are reformed, our economy will look a lot less like the dynamic free market we enjoy today and a lot more like the sluggish, statist economies of Europe's welfare states, with their lower living standards and chronically high unemployment. . . .

President Bush's proposal is the only sound way to ensure that current surplus payroll taxes aren't spent but instead set aside and saved. . . . Failure to enact the president's plan would mean that payroll tax surpluses will be frittered away on a myriad of wasteful government programs that have been funded solely because surplus Social Security tax revenues have been available to finance them.

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THE WEEK

■ Newspapers report that the Clintons have paid all of their legal bills. Surely they should have added the words "for now."

■ Karl Rove, receiving an award from the Conservative party of New York, surveyed the differences between conservatives and liberals. The "most important," he said, concerns "national security. Conservatives saw the savagery of the 9/11 attacks and prepared for war; liberals saw the savagery of the 9/11 attacks and wanted to prepare indictments and offer therapy and understanding for our attackers." Democrats boiled up like a pot. Senate minority leader Harry Reid accused the White House of politicizing 9/11, and demanded that Rove apologize or resign. The White House reacted with bland puzzlement. Rove, they said, was talking about MoveOn.org, which greeted 9/11 with a call for "moderation and restraint"; why were Democrats taking offense? Well, Rove had been a bit more sly than that. In his speech, he listed "MoveOn.org, Michael Moore, and Howard Dean" as ditzy liberals. Dr. Dean is, of course, chairman of the DNC. But that pushes the question back a step: If the Democrats are so hot for the War on Terror, why would they make a ditzy liberal head of their party? Your move, Senator Reid.

■ "Some may believe that my remarks crossed the line," said Richard Durbin, the second-ranking Democratic leader in the Senate. "To them, I extend my heartfelt apologies." This "apology" seems more calculated than heartfelt. It falls short of an acknowledgment that his remarks actually did cross a line. Durbin, speaking about the detainees at Guantanamo, had credited the most lurid allegations of American abuse and called the detainees' treatment reminiscent of Nazi Germany, Stalinist Russia, and Pol Pot's Cambodia. He thus managed simultaneously to slander the American military and to trivialize, through political exploitation, some of the most awful depravities in human history. After a week of criticism by Republicans, he issued his pseudo-apology. Of the troops, he said: "They're the best. I never, ever intended any disrespect for them." Sure: Durbin has nothing but respect for our troops as they go about their Nazi-like business. They're the best Nazis around. The fact that many liberals defended Durbin's remarks is a worse indictment of them than anything Karl Rove has noted.

■ John Bolton has been twisting in the wind for weeks now, but the case against his nomination has been getting weaker all the while. Democrats have lately been demanding to know more about a handful of National Security Agency intercepts. These transcripts of overseas conversations have the names of any Americans captured in them blacked out for privacy reasons. But policymakers privy to the intercepts will occasionally ask to be provided the names. Bolton did in ten cases in four years. There were roughly 500 such requests from State Department officials in those same four years. The wild theory of Democrats is that Bolton's requests had something to do with his clash with intelligence analysts. But the chairman and vice-chairman of the Senate Intelligence Committee, Pat Roberts and Jay Rockefeller, have reviewed the redacted intercepts and found nothing untoward about them, and national director of intelligence John Negroponte has said that none of the key names involved in the intelligence disputes were in the intercepts. In other words, there's nothing there. But the Democrats still filibuster Bolton, inviting a recess appointment that Bush should give his nominee forthwith.

Condi shocks 'em *(see page 8).*

ROMAN GENN

■ Democrats want a commission to investigate Guantanamo Bay in the manner of the 9/11 commission. That commission did some worthy work. But the combination of partisan Democrats, passive Republicans, and an anti-Bush press also made the commission a politicized circus. Who can doubt that a similar constellation of forces would be in play here? The Pentagon has already investigated its detainee practices repeatedly. Air Force lieutenant general Randall Schmidt's investigation into Gitmo—it is his forthcoming report that *Newsweek* falsely said would contain the Koran-flushing incident—will just be the latest. So a commission would at best duplicate investigative work that has already been done and at worst replicate the 9/11 commission at its lowest, most politicized moments. No thanks.

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The *real* issues of Social Security reform

There is no longer any doubt that Social Security needs to be reformed. The nation's troubled retirement program will begin running a deficit in just 12 years. Overall, the program faces unfunded liabilities of more than $12 trillion. But while the politicians in Washington debate whether this represents a crisis or just a big problem, the Cato Institute believes it is an opportunity to build a new and better retirement program for all Americans.

Ownership

Under the current Social Security system you have no legal, contractual, or property rights to your benefits. What you receive from Social Security is entirely up to the 535 members of Congress. But personal retirement accounts would give you ownership and control over your retirement funds. The money in your account would belong to you—money the politicians could never take away.

Inheritability

Because you don't own your Social Security benefits under the current system, they are not inheritable. Millions of workers are not able to pass anything on to their loved ones. But personal retirement accounts would change that by enabling you to build a nest egg of real, inheritable wealth.

Choice

Choice is part of the essence of America. Yet when it comes to retirement, Congress forces all Americans into a one-size-fits-all, cookie-cutter retirement program, a system that cannot pay the benefits it has promised and under which you have no right to the money you pay in. With personal retirement accounts, workers who wanted to remain in traditional Social Security could do so. But younger workers who wanted a choice to save and invest for their future retirement would have that option.

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THE WEEK...

■ Edward Klein's *The Truth About Hillary* is so Nineties. Lesbianism, rape in Bermuda—all that's missing is Courtney Love on the soundtrack, and Tina Brown at *The New Yorker*. Of course, we at NR did not admire the Clintons. He was a weak charmer, and she was worse: What was to admire? But America now faces a new set of problems. Our major entitlement program, Social Security, is heading for collapse; Mrs. Clinton's bright idea was to take on another burden, health care. Runaway courts are leading us into a culture war; the Clintons contributed two of the six irresponsible votes on SCOTUS. Most important, we are at war. Senator Clinton has been taking a tough line. Is it talk only, or is it based on knowledge, insight, and a reliable circle of advisers? Mrs. Clinton once bussed Suha Arafat; has Senator Clinton learned more about terrorism and the dynamics of the Middle East? These are the questions America needs to answer. Ed Klein doesn't help.

■ Wal-Mart is American liberalism's favorite corporate punching bag, and the pugilists of the day are Sens. Ted Kennedy and Jon Corzine and Rep. Anthony D. Weiner. This trio has introduced a bill that would require states to report the names of large companies whose employees receive government-funded health care. Here's Weiner: "Part of the plan is to embarrass companies like Wal-Mart." And Kennedy: "Every worker in America is paying a part of their taxes to pay for Wal-Mart" (the idea being that, if Wal-Mart provided more benefits, its employees wouldn't rely on government programs). Now the issue is not whether Wal-Mart offers health insurance; it does—but not on terms Kennedy approves of. Suppose Wal-Mart agreed to such terms. When the corresponding decline in its profits required it to lay off employees, and these employees filed for welfare, Kennedy could say, "Every worker in America is paying a part of their taxes to pay for Wal-Mart." Let us debate the wisdom of emulating the welfare-state economics that has brought Western Europe its famous growth of late. But don't let's pretend, like Kennedy, that there are no tradeoffs.

■ George W. Bush is the first president to visit a nuclear-power plant since Three Mile Island, way back in 1979. He would, wouldn't he?

■ Congress is about to miss a deadline. The World Trade Organization gave America until July 1 to end our export subsidies for cotton farmers. If we don't, the government of Brazil will be able to ask the WTO for permission to levy retaliatory sanctions on American exporters. Since we spend $2.6 billion a year on cotton subsidies, Brazil would be allowed $2.6 billion in retaliatory tariffs. Congress should not allow this to happen. U.S. exporters are still recovering from a trade war with the EU last year, and another looms over the Boeing-Airbus dispute. Besides, farm subsidies—cotton subsidies in particular—provide a welfare system for filthy-rich operators of giant farming cooperatives and tarnish our reputation as a free-trading nation. Congress should end the export subsidies, and do a favor to American taxpayers and American business at the same time.

■ During the controversy over Terri Schiavo, we argued that it was wrong deliberately to bring about the death of an innocent human being, whatever her condition; that it is especially wrong when there is reason to doubt that she wants to be killed and when her family members are willing to provide care for her; that Mrs. Schiavo's husband was too compromised to make the decision to end her life for her; that a law enabling the killing of people in a "persistent vegetative state" should not be stretched to cover people who might be "minimally conscious"; and that the Supreme Court should not have established the current lax standards for denying incapacitated people food and water. A few critics of Mrs. Schiavo's death by dehydration went further, and alleged that her husband had caused her condition by abusing her. An autopsy failed to validate those claims. The pro-dehydration side seized on this finding, and the finding that her brain damage was irreversible, to claim complete vindication for its position. But the autopsy didn't even touch the central arguments of pro-lifers. Evidently it is very tempting to pronounce that one has been conclusively proven to be right—and in our era, it is especially tempting to say that it's science that has proven it.

■ The Fifth Amendment to the Constitution says that the government may take your property "for public use" so long as it provides "just compensation." Cities routinely take land to give to private corporations. The cities claim that they are promoting economic development. But if the mayor and the city council want to take land and give it to powerful corporate interests—and big campaign contributors—the "economic development" rationale will always be available. The Supreme Court, in *Kelo* v. *City of New London*, decided not to intervene to stop abusive land seizures by the government. It argued that stopping abuses would require it to second-guess local governments' decisions about which development projects are legitimate. The Court isn't usually so deferential and nervous about second-guessing governmental bodies. It has created a mirror image of the Constitution: It protects rights to sexual freedom that are not mentioned in the Constitution while neglecting property rights that are. (You have a right to privacy in your home, but you don't have a right to keep your home.) If the Supreme Court will not police local governments in this area, then Congress—and the voters of each locality—should. Sen. John Cornyn has made an excellent start, sponsoring legislation that blocks the use of federal funds in these abusive takings.

■ At the east end of Long Island stand the Hamptons, once sleepy farming and fishing hamlets, now prime real estate, containing the summer homes and playgrounds of the super-rich. The district also contains an 800-acre reservation for 500 or so Shinnecock Indians, descended from the original inhabitants of Long Island. Now the Shinnecocks have asserted a claim to recover 3,600 acres they signed away back in 1859. The targeted land includes two tony golf clubs and several subdivisions, where homes are priced well into seven digits. The tribe also wants billions of dollars in damages and back rent. Radio and TV stations around New York are featuring soft-focus ads backed by moody pan-pipe music, pleading for "fairness" toward the Shinnecock. The ads and the lawsuit are being paid for by two Detroit-based casino developers. Behind all this is

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BLACKFORD OAKES IS BACK!

"Friends in high places—Buckley's main charm as a novelist, besides the wit, is his easy familiarity with the political and journalistic heavyweights."

—Los Angeles Times

"Buckley makes the going fun, in part by peppering *Last Call for Blackford Oakes* with real-life characters. But the best character is Oakes, who reflects so much of the author himself."

—St. Louis Post-Dispatch

"Blackford Oakes by sheer wit and charm might have won more liberals over to the conservative side than his creator Buckley ever managed on *Firing Line*."

—Booklist

"[Done with] considerable relish and fluent wit."

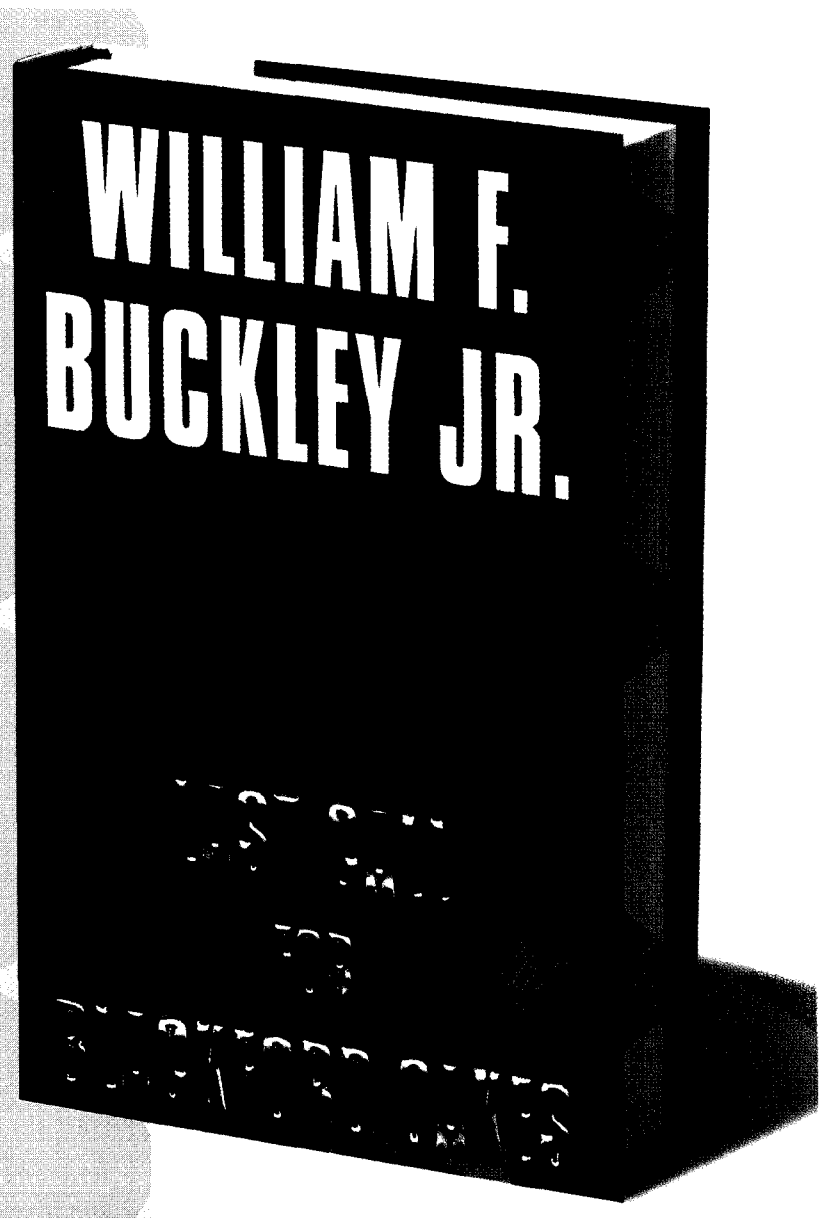
—Time Magazine

"If Le Carré is the Henry James of suspense fiction, Buckley might be the Waugh."

—New York Times

"Some of the best spy fiction in print."

—UPI



Nearly thirty years ago William F. Buckley Jr. launched the dashing character of Blackford Oakes like a missile over the literary landscape. Against the backdrop of sinister Cold War intrigue, in this, his eleventh outing, Oakes crosses paths—and swords—with Kim Philby, perhaps the highest-ranking in the parade of defectors to the Soviet Union. Oakes is now himself a master spy, working out of the agency and around agency rules. It is inevitable that the great Soviet spy and renowned American agent will meet again—this time, with deadly consequences.

ALSO BY WILLIAM F. BUCKLEY JR.:
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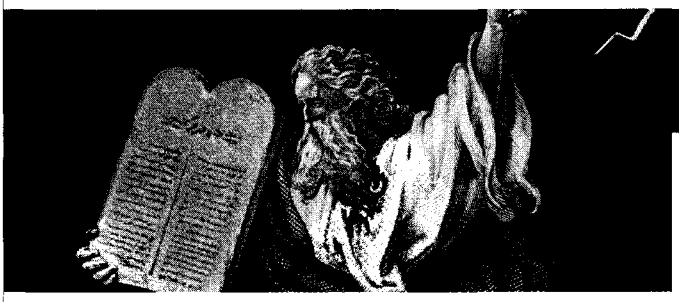
THE WEEK...

bad law, specifically the 1985 *Oneida II* case, in which the U.S. Supreme Court declared that Indian land claims are not subject to any statute of limitations. Behind *that*, of course, was racial guilt, the greatest solvent of good sense in the present age. Congress should act to place reasonable limits on claims of past injustice, and to assert the right of property owners to enjoy secure title to their real estate.

■ What to do with the site in lower Manhattan where the World Trade Center stood? Current plans are for a memorial complex including an art gallery and an International Freedom Center. The gallery—it is called the Drawing Center—already exists nearby, and is to be relocated. Its current website boasts that its exhibitions "encourage viewers to reconsider the boundaries of art." Uh-oh. The International Freedom Center is only in the planning stage, but has already fallen into the hands of leftists like Tom Bernstein and Michael Posner, leading lights of Human Rights First, a group funded by George Soros. ACLU head Anthony Romero also has a key role. With folk like these in charge, it is a fair assumption that the main point about freedom taught at the center will be that rich white Christian male heterosexuals strive to deny it to the rest of humanity. Will this not insult the memory of the lives lost in the 9/11 attacks? Not to worry. As a *New York Times* editorial explains, "What those lives stand for now is American freedom, in its full implication and all its contradictions." Ah, those contradictions! You can be sure we'll be hearing plenty about those in the International Freedom Center.

■ "For 60 years, my country, the United States, pursued stability at the expense of democracy in this region . . . and we achieved neither. Now, we are taking a different course. We are supporting the democratic aspirations of all people." So spake secretary of state Condoleezza Rice in a speech at Cairo's American University. These are not the usual words from the State Department. It was always inconsistent to advocate democracy while supporting dictatorships in the Middle East, where stability in practice proved a synonym for oppression. Arabs and Persians rightly cried hypocrisy. But are the ruling elites listening to Condi? The Egyptian foreign minister and others in the audience were loftily dismissive, as though she were behaving with poor taste. Why, she even met some dissidents, and spoke well of them. In Riyadh the Saudi foreign minister told her to her face that he hadn't read her speech, adding "to my eternal shame," a fine example of insincerity or rudeness, or both. There is much still to be done, but the secretary of state, along with her boss, has opened up a new path.



GETTY

From on High

In a famous scene in Mel Brooks's *History of the World: Part I*, Brooks plays Moses coming down from Mount Sinai. He declares, "I bring you these 15"—and then, mid-sentence, he drops one tablet, breaking it—"Ten! I bring you these Ten Commandments."

Perhaps there is wisdom here.

Last month the Supreme Court burped up one of its classic hairball rulings. There were two rulings actually—and ten opinions between them. In one ruling the Decalogue is fit for posting on state property; in the other it's verboten. It's okay outside, no good inside. There are other tests, rules, and criteria, of course. You've got to fertilize the surrounding soil with "secular" and/or "educational" bric-a brac. And in a Hayekian touch for which I actually have some sympathy, the display becomes less offensive if it's been sitting around for a long time—like the depictions hanging around the actual Supreme Court building in Washington, D.C.

Again, while I have sympathy for the idea that old things deserve more respect than new, the Court's "position" is another example of the justices' taking Yogi Berra's advice about how when you come to a fork in the road you should take it. The upshot: State institutions can recognize that America *was* a religious country; they just can't suggest it is one now.

But perhaps our nine Solomons could have split the baby along a different axis—which brings us back to Mel Brooks's Moses. Instead of allowing all Ten Commandments in only some places, how about allowing only some commandments in all places?

Most anti-religion zealots object only to the commandments that mention God. In most versions, that's just the first four. Commandments 5 through 10 are generally rules that really are codified in our civil and criminal law. Indeed, Justice Breyer made it clear that the Ten Commandments are fine when they are used as a "moral" symbol rather than a "religious" one. Let the theologians and philosophers split those hairs; I say let's just run with the copy everyone can agree on. Perhaps every statehouse and court building in the country could run the "Ten Commandments—Revised Edition":

1. I am the [redacted] thy [redacted]: Thou shalt not have any [redacted] before [redacted].

2. Thou shalt not make graven images (pursuant to relevant copyright law).

3. Thou shalt not take the name of [redacted] in vain.

And so on. And if that doesn't work for the Court, they could always insert variants of "U.S. Supreme Court" over the redacted bits.

—JONAH GOLDBERG

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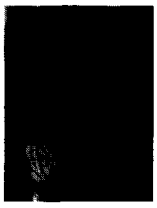

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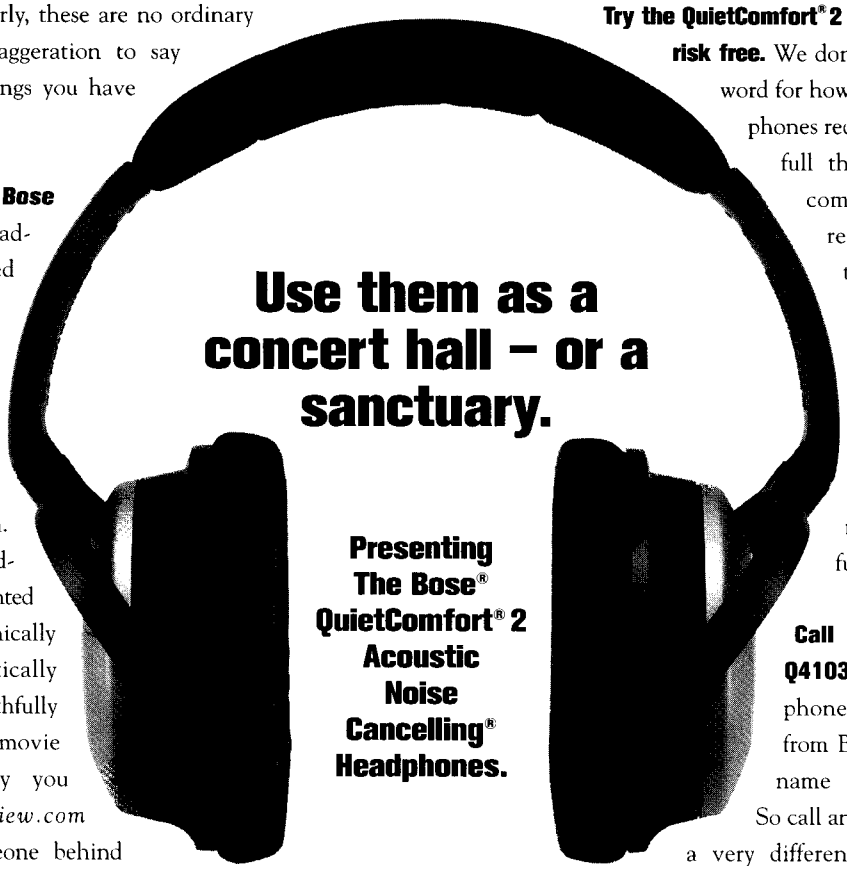

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THE WEEK...

■ The Iraqi Baathists are hoping to return to power by provoking civil war. The Syrian Baathists are following the same terroristic logic in Lebanon. Their huge political mistakes of tampering with the Lebanese constitution in order to keep their man in the presidency, and then murdering Rafik Hariri, the former prime minister, caused such outrage that they had to abandon their military occupation of the country. Free elections then returned to the Lebanese the independence and democracy they had once enjoyed. Syrian dictator Assad and his Baathist comrades need to survive a sequence of events so disastrous to them. These are men long accustomed to the belief that winners kill, and losers are killed. Washington has stated that the Syrians have a hit list. This seems certain. After Hariri came Samir Kassir, a journalist popular for his attacks in print on Syria and the occupation. Next has been George Hawi, from a prominent Greek Orthodox family—a relation of his was a well-known nationalist poet. In the past, Hawi was head of the Lebanese Communist party, and in the country's complex sectarian fighting he sided with the Syrians and leftist Muslim organizations. Evolving into an outspoken critic of Syria, he was a marked man. Such killings intimidate, and furthermore are very likely to spark reprisals and more sectarian fighting. That, the Syrians can calculate, should be enough to scupper Lebanese democracy and even to provide a pretext to return in strength and grab back the control they so unwisely let slip.

■ The majority of Iranians long ago lost confidence in their rulers. Theirs is a totalitarian society, all the harsher for its theocratic trappings. They know that their Supreme Leader, Ayatollah Ali Khamenei, does nothing for liberty or prosperity. "Mullahs back to the mosque!" is the slogan of the millions hoping that the regime will simply implode under the weight of its injustice and corruption, in the manner of the Soviet Union. Well aware that reforms might lead to a Gorbachev-style collapse, Khamenei ensured that a trusted crony, Mahmoud Ahmadinejad, won the election for president—a secondary post, of course, as the president is completely subordinate to the Supreme Leader. Survival of the regime depends on its paramilitary organizations, and Ahmadinejad is a policeman in outlook, with the rank of colonel in the Revolutionary Guards, the most brutal of these organizations. Evidently capable, and aged only 49, he has a doctorate in engineering. Losing no time, he has made it plain that Iran will complete its nuclear program as it sees fit, and that relations with the United States are a matter of indifference to him. In a nutshell, "We did not have a revolution in order to have democracy." Hard-line policing and the pursuit of open cold war with the United States might prolong the rule of the mullahs for a while, but it might well precipitate the very implosion it is designed to hold at bay.

■ There was a certain bitter amusement in Vietnamese prime minister Phan Van Khai's call on President Bush at the White House: amusement, from seeing Communists grovel for a slice of the wealth they affect to despise; bitter, because they have enjoyed 30 years of unchecked power. The forces driving Vietnam and the United States closer together are poverty and geopolitics. On a continent of economic tigers, Vietnam is tired of being the dog; and once the Americans left Cam Ranh Bay, the Vietnamese realized they were alone with China (the two neighbors fought a brief war in 1979). America, rich and powerful, holds the whip in this emerging partnership. There is no need to crack it, only to show it from time to time, to ensure that the Vietnamese people gain a measure of freedom along with increased prosperity and security.

■ Whether developing ballistic missiles, threatening Taiwan with truculent language, shrugging at North Korea's nuclear ambitions, or permitting the piracy of intellectual property, China's rulers do little to inspire confidence in their goodwill. It's not surprising, then, that many Americans are uneasy about the $18.5 billion bid of a 70 percent state-owned Chinese company for Unocal. That said, it's probably in U.S. interests not to block the deal, should Unocal shareholders accept it. Unocal's output accounts for only a small part of American oil consumption, and even if China diverted all of this oil for its own use, it would correspondingly buy less oil in world markets—a simultaneous reduction of supply and demand that would leave prices unchanged. China's thirst for oil has led it to support thuggish regimes in Iran and Sudan; it should not now be discouraged from looking elsewhere. Most fundamentally, our strategic goal is to make Chinese aggression prohibitively expensive. That means maintaining our vast military superiority while enmeshing the Chinese in economic ties the severing of which would exact a great cost. A Unocal deal can be understood as part of that effort.

■ Riding through Checkpoint Charlie on a U.S. Army bus during the Cold War was an eerily formal experience. By the protocol the powers had worked out, the bus had to stop, while East German guards circled it. But they could not board; American military personnel removed their name tags, so they could not be read. The Army could go back and forth because we had as many nukes as the Communists. Individuals were not so lucky. One thousand and sixty-five were murdered by the East German regime, mostly trying to cross the Berlin Wall to freedom. After the Wall finally fell, Alexandra Hildebrandt, a private citizen, founded a museum at the spot, complete with 1,065 crosses. But it rankled the Communist and Social Democratic politicians who run reunited Berlin. They sold the land for private development,

SOME TIME LATER

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The sandbox where it used to play
Looks like Frankfurt in '44.
Chirac—"Mother Superior"
To Tony Blair—is in a snit
Because the British won't remit
Those cushy rebates France requires
For farmers longing to be squires.

—W. H. VON DREELE

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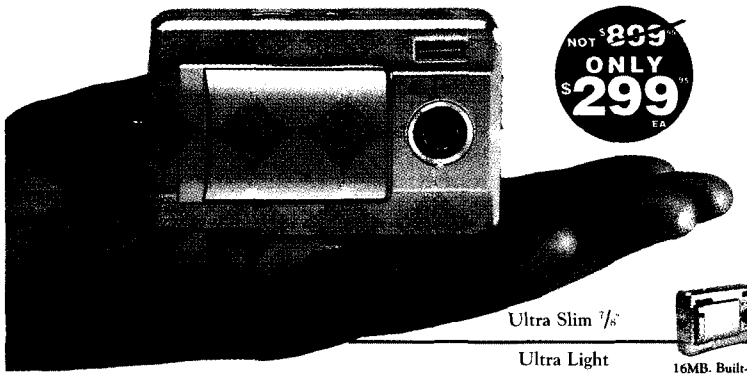

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THE WEEK...

and the museum will be bulldozed, on July Fourth, no less. Churchill was right: The Hun is either at your feet or at your throat.

■ If, following standard tourist guides, you wander through Toronto's homosexual district, at the corner of Alexander and Church streets you will find a statue of one Alexander Wood (1772–1844). Mr. Wood is something of a cult figure among Canadian homosexuals—there's glory for you! In 1810 he was forced to resign his position as justice of the peace and leave Canada following a minor scandal arising from a rape case. The lady in the case claimed to have scratched her attacker's private parts. In his zeal to identify the perpetrator, Mr. Wood insisted on examining the relevant anatomy of several young men. A bronze bas-relief plaque attached to the aforementioned statue offers an extremely graphic depiction of one of these examinations. This incident, with some questionable letters Wood wrote, and the fact that he never married, forms the evidence for his irregular orientation. The statue cost $200,000 (Canadian), half of it from public funds.

■ Summer arrived, and with it the Gay Pride parade in Gotham. Gays have joined the mainstream, to the extent that, like Irish, Puerto Rican, and West Indian Americans, they have a monster parade with racket, trash, and traffic tie-ups. They remain outside the mainstream, however, to the extent that their parade celebrates pathological display. This is not behavior that bursts out, in reaction to the Religious Right; it is endemic to the gay subculture. Hucksters market videos of drunken young women at Mardi Gras or on spring break under the rubric Girls Gone Wild. When are gay bashes not wild? When will they ever be?

■ KEEPING AN ORDERLY FOUNDATION: At the fundraising dinner in New York on June 22 for the Milton and Rose D. Friedman Foundation for Educational Choice, the emcee announced at dinner that proceeds from the evening came to $993,000. A (true) gentleman raised his hand: "Count me in for $7,000." Flash! A million-dollar evening was born.

■ Nick Cannon is a rapper who has released a track called "Can I Live?" in which he thanks his mother for not aborting him. "Mommy, I don't like this clinic / Hopefully you'll make the right decision." Kelefa Sanneh, a rock critic for the *New York Times*, credits Cannon with "finding a truly startling way" to express his joy at being alive. Equally startling was the headline the *Times* put on Sanneh's review: "An Unborn Fetus With a Message for Mom." What is an unborn fetus? All fetuses are, by definition, unborn. Could it be periphrasis for "Unborn Child"? Stop the presses, hold the headline / Unborn child don't make the deadline.

■ The board of the Berkeley (Calif.) Unified School District voted, 3–2, to retain the name of Jefferson Elementary School, after a two-year campaign to yank the third president because he was a slaveowner. Board president Nancy Riddle provided the swing vote, on the grounds that complex and controversial figures such as Jefferson can be used as teaching tools, to sharpen students' critical skills. Jefferson Elementary's students need some sharpening—they backed the change 161–111. But who will teach them? Staff members backed it 11–5. Maybe they could all get a refresher course at Malcolm X Elementary, another school in the district (recently renamed from Abraham Lincoln Elementary).

■ He has prostate cancer and Parkinson's disease, a broken hip and pelvic bone. He calls it a crusade simply to mount the podium. But 86-year-old Billy Graham led a three-day crusade at Flushing Meadows in Queens, 48 years after his first New York City crusade in Madison Square Garden. He said, as he has been saying for all those years, "Prepare to meet your God," and "God loves you." The admonition, and the promise. When he first came to New York, Graham's brand of Protestantism seemed beleaguered in an ocean of Catholics and Jews. It is still a minority, but it is a lively one, including many Africans, Koreans, and Chinese. Surely it is the end of the line, or near it, for Graham. But not for revivalism. As Garry Wills wrote in *Under God*, "Nothing has been more stable in our history, nothing less budgeable, than religious belief and practice. Religion does not shift or waver; the attention of its observers does. . . . Revival is, like respiration, the condition of its life."

■ According to reports, Oprah Winfrey was denied entry to Hermès in Paris because, as one employee said, they had been "having a problem with North Africans." Miss Winfrey does not look North African; she looks like the slaves they used to hold. What she should have done, in our opinion, is buy Hermès on the spot.

AT WAR

Winning in Iraq

FOR months, in the aftermath of the January 30 elections in Iraq, President Bush had "moved on." Having already vested significant time and energy in Iraq in his first term, he wanted to tackle other issues now that Iraq had seemingly taken such an irrevocable step forward. Alas, the shooting war had never ended, and as the insurgency moved into a new stage emphasizing massive suicide car-bombings and more effective roadside bombs against U.S. vehicles, public support began to erode. The administration now realizes that the case for the war has to be made constantly, and Bush renewed the push for it in his June 28 prime-time speech.

Bush's contention that Iraq is a central front in the War on Terror is now unassailable. Foreign jihadists have poured into Iraq in an attempt to deal the prestige of the United States a severe blow by chasing it out of Iraq, and to establish a Taliban-style regime in Baghdad. The stakes in this fight are enormous. In the War on Terror, we are not fighting a tactic (as the phrase falsely suggests), but the ideology of radical Islam. The appeal of an ideology ebbs and flows with its success on the ground. Communism advanced all over the Third World after its victory in Vietnam. Islamists were emboldened by their victory over the

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Adolf Hitler.

- What made the regime popular at home?
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About Your Professor

Thomas Childers (Ph.D., Harvard University) is Professor of History at the University of Pennsylvania. His teaching awards include the Ira T. Abrahams Award for Distinguished Teaching and Challenging Teaching in the Arts and Sciences, the Richard S. Dunn Award for Distinguished Teaching in History, and the Senior Class Award for Excellence in Undergraduate Teaching.

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THE WEEK...

Soviets in Afghanistan, and some of them felt they were strong enough to topple another "empire," the United States. On the other hand, failure exacts its price. Socialism has never been quite the same after the collapse of the Soviet Union. This is why, as Bush quoted him last night, Osama bin Laden has said the Iraq war will end with "victory and glory or misery and humiliation."

Bush pointed out that the terrorists in Iraq—who have made common cause with former Baathists, ordinary criminals, and for-hire opportunists in a multifaceted insurgency—have failed in their major political goals of forcing us out of Iraq, prompting a civil war, stopping the elections, and keeping a new representative government from forming. Theirs has been a technically proficient campaign—with ever more finely honed bombings—but so far a futile one. Except for our enemy's other important political goal, which is undermining the American public's support for the war. In many ways, the insurgency's strategic center of gravity is Washington rather than Baghdad, and it is inside the Beltway—and in American public-opinion polls—that the daily spectacular bombings have had the most effect.

Bush's speech will likely bump up support for the war. In emphasizing taking the offensive against terrorism and the need for victory, Bush is running with, rather than against, the grain of American character. Even as support for the war has sagged, only one in eight in the latest *Washington Post* poll supports an immediate pullout. The public's enthusiasm for the Iraq war is running out, but not its patience. And even as Democratic leaders make savage criticisms of Bush's performance in Iraq, their policy prescriptions are roughly in accord with Bush's policy. In the *New York Times*, John Kerry advocated holding Iraqis to deadlines for writing and ratifying the constitution and for securing Iraq's borders. Gee, why hadn't the Bush administration thought of that?

In the end, it will obviously be events in Iraq rather than Bush's words that will determine success or failure. He outlined a sound two-track strategy looking to foster Iraqi self-government and an Iraqi self-defense capability. The first track has been proceeding apace, with more Sunnis joining the political process and the Shiite leadership showing a willingness to accommodate them. This is highly important, because a Sunni embrace of the new Iraq could sap the Sunni portion of the insurgency of its energy and isolate the foreign jihadists. That in turn could make the insurgency more manageable for the infant Iraqi security forces.

Donald Rumsfeld was right to warn, as he made a tour of the Sunday shows, that the insurgency could last many years. But the U.S. needn't bear the brunt of fighting it for that long. Indeed, even though Bush has a reservoir of public patience to work with, public support won't be inexhaustible, nor will the strain on the U.S. Army be infinitely sustainable. As Bush argued in his speech, we can't announce a date for withdrawal without undermining our position in Iraq, but there will be a natural limit to our current commitment there.

Indeed, it is important that the administration be mindful of limits. If we have learned anything over the last two years, it is that nation-building is hard, frustrating work. Along with its moral principle and determination, the administration needs realism and flexibility in Iraq—of the sort it brought to last year's successful campaign against Moqtada al-Sadr, who was in equal parts coerced through military pressure and coaxed through negotiations into joining the political process. As we try to unravel the insurgency, negotiations and messy compromises—with the domestic Sunni elements of the insurgency—will have to accompany our military campaign.

The old saw is that the perfect shouldn't be the enemy of the good. In Iraq, we are never going to achieve the perfect, but the merely good is attainable: a stable Iraqi government that can defend itself (even as violence continues in the country), that is better governed than any other major Arab state, and that is an ally in the War on Terror. That would be a historic achievement and a significant blow to Islamic radicalism. Bush needs to keep explaining how we are going to get there and why it is so important.

EDITOR'S NOTE: The next issue of NATIONAL REVIEW will appear in three weeks.

PUBLIC POLICY

Trying Again

REPUBLICANS have introduced two bills to try to revive Social Security reform. One of them would enact small personal accounts while addressing Social Security's insolvency only indirectly. The other would make the program solvent but take only indirect steps toward personal accounts. Each bill is worth passing, and they are worth passing together.

The bill sponsored by Paul Ryan in the House and Jim DeMint in the Senate devotes the Social Security surplus—what's left over after the taxes the program takes in are spent on benefits for today's retirees—to personal accounts. Right now, the Social Security surplus is spent on other programs rather than being saved for tomorrow's retirees. If the surplus money were made the property of individuals, it would be harder to divert the funds in this way. The Social Security surplus would no longer mask the deficit being run by the rest of the government, and there might thus be more pressure to restrain federal spending. Al Gore famously said that the Social Security surplus should be put in a "lockbox" so that it couldn't be spent on anything but retirees' needs. Personal accounts would be millions of lockboxes. That's a powerful argument for reform.

The other proposal, by Sen. Robert Bennett, reduces the growth of Social Security benefits to make the program more affordable. Democrats have refused to negotiate over any bill that includes personal accounts. Bennett hopes they will negotiate over a bill that doesn't have them. One problem with the bill is that it does not offer any tangible benefits to anyone. All it offers is a reduction in future benefits—a wise policy, but not one that will get many voters excited. If it passed, however, it might make it easier to enact personal accounts in the future. Personal accounts have suffered by being compared with the

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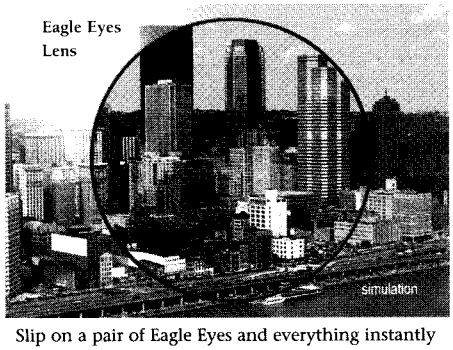

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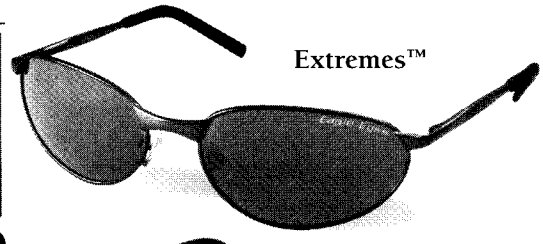

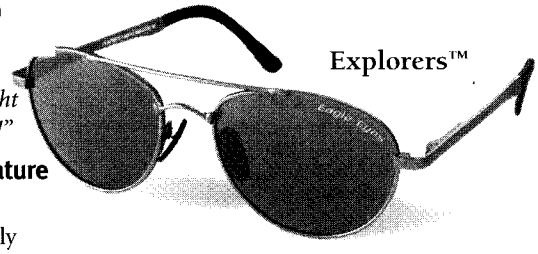

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current system's promises, rather than being compared with what the current system can actually deliver. If those promises are brought into line with reality, maybe the debate will go better the next time personal accounts are proposed.

The Democrats have been very successful at maintaining a united front in opposition to action on Social Security. Many of them believe that their opposition will help them gain seats in 2006. There is no evidence for their hope. But neither is there evidence for the administration's contention that obstruction will cost the Democrats seats. The new Republican proposals will probably not change any Democrats' minds. But they are worthwhile; they may serve to stir up a debate that congealed months ago; and it is hard to see how it could hurt Republicans to try, try again.

notes & asides

■ Memo to: Bill
From: Priscilla

Coming up is the 75th birthday of "Peter Crumpet," the name frequently used by F. Reid Buckley when he took time from his novel-writing to compose for us some of the most successful and amusing essays we've ever published. Some of our readers know him as founder and president of the Buckley School of Public Speaking in Camden, South Carolina. I thought it would be appropriate to share with you Reid's letter to his children and grandchildren (copy to me). It is one of the most beautiful tributes to nature I have ever read, and that includes during the 35 years I spent as managing editor of—NATIONAL REVIEW! I think our readers deserve a look at this panegyric.

XXPriscilla

* * *

(Glossary: Peor Es Nada and Peor Es Esto are the names of Reid's farms.)

MEMORANDUM: 14 May, '05
FROM: FRB
TO: Offspring
RE: The Resurrection of the Ivory-Billed Woodpecker; the Beauty of This Spring

Dear All:

No news on the ecological front has thrilled me more than what we got from Arkansas two weeks ago. Even the announcement of the permanent retirement of Senator Byrd of West Virginia could not thrill me more.

That the ivory-billed woodpecker has miraculously survived is a great gift from the Lord. Before I kick the bucket, my dearest wish is to go to Arkansas and see one alive. (You children must at once write into your agendas that you will petition whoever the authority will be for a breeding pair; start planting suitable trees now.) I cannot be more excited; and I was stunned to come across *not a single reference to this wonderful event* on TV news programs the weekend following the announcement. All the airwaves wanted to talk about was reform of Social Security, the Michael Jackson trial, the election in Great Britain, and other such ephemeral matters.

And now for other rare and wonderful matters. I don't recall a cooler and longer-lasting spring, do you? But the great gift of this spring is that temperatures dropped at night yet never froze. For the first time in my memory, the Japanese tulips and star magnolias flowered and fell off the buds without being burned. Ditto the wisteria. Never never never do I recall a Camden spring so copious and fragrant. At the School it was a marvel: a raucous clashing of red-purple-rose-mauve-scarlet. And that pearl of the sandhills, Peor Es Nada, was twice a marvel: aflame with the camellias and azaleas that for so many years deer had gluttoned on*—glorious, and in places, such as on the lawn and behind the bodega, deep purple in color. We had not had wisteria successfully bloom on the farm in five or six seasons; late freezes nipped the buds. This year the show of wisteria around the lawn and on the dam of the small pond (where it is paler) was fabulous. In the choked grove of wild plums just above the bodega, wisteria, yellow jessamine (yellowbud), scarlet Carolina trumpet, and dogwoods were all flowering at the same time.

The dogwoods! Dios santos, how fantastic they were everywhere this spring, from Columbia to Camden; and how breathtakingly beautiful they were at the farm. For nearly four weeks, just after the Yokohama cherries and wild plums came to bloom, and running right into the pink and white bells of fetterbush—one could walk nowhere on the near side of the big pond without one's gaze encountering blizzards of dogwood blossoms. Everywhere the eye happened. And every several days, another 10 or 15 previously unnoticed dogwoods kept bursting into bloom. It has been indescribably beautiful.

I REGRET that so few of you were here to take advantage of the farm this spring; and those of you who live in Camden, or were able to visit, did not take the time to walk the many trails on the property. (Claude and Paco, and in lesser degree Borja and Johnny, what a pity! How can you deprive yourselves of this pleasure?) On all horizons this spring, the vistas have been feasts for the eye, causing your mother and me to stop and ejaculate prayers of wonderment and thanksgiving. We have been clearing and tending and pruning in places you may never notice. We have been at it 27 years, and will keep at it so long as we last. All the dogwoods that our declining physical powers have permitted us to shape and declining energies to circle with the bush hog now stand out clearly from the background of shrubbery and trees along the interwinding lanes, trails, and roads. And just four weeks ago, I made a (costly) discovery! I spied a stunning 50-to-70-year-old dogwood on Broomstraw Flat, buried in the midst of a small copse of trash deciduous trees and grapevines; and next to it, another dogwood, not so handsome, but 40 or 50 years old, a trea-

*Perhaps I ought to confess. You children noticed fewer deer this past season. I heard you grumbling. Well, I got sick and tired of their depredations and last May invited an A-team from Fort Jackson to spend a weekend at the farm, telling them they could keep and eat or give away all the deer they were able to kill. You cannot blame me for being out of patience with your poor marksmanship.

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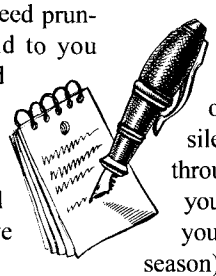
sure in its own right—also half buried by sweet gum, red maple, and turkey and blue oak saplings. This was a costly discovery, as I note, because I paid Blake Williams several hundred dollars to clear around these two trees (I can no longer wield the chainsaw, which is my personal affliction), but the expense is worth running. It is rare to be blessed with so many dogwoods of that age and wonderful proportions. The farm is prodigal with them!

I have paid Blake to do a lot of clearing this spring, the visual fruits of which we will enjoy, God willing, next spring. (What I have Blake and his crew doing principally is limbing up around such hardwoods as water oaks, post oaks, and sweetgums, permitting me to get under the branches with the tractor, keeping the landscape kempt, so that horizons are extended. The aim is to have the landscape dissolve in a perpetual succession, from one savannah to the next.) Tasa and I meanwhile planted seven wisteria vines, describing a trail that commences at the lower Pasillo and curls up, around, and along the Gasline Savannah. We planted them in October, fertilizing and watering them every week right up through February. (I thought Tasa would murder me on several occasions, because it was hot work right through Thanksgiving.) The labor has paid off. They not only survived the winter: they are blooming as I write—*late* blooms, great big fat blooms, and deepest purple! We will continue this effort for the next two or three years, God willing, and eventually, given a benign spring like this one, the walks will surprise with unexpected cascades of purple and nosefuls of that wonderful perfume.

What is curious is this: I have seen *not one* blue lupine this spring. Two years ago the blue lupines were ubiquitous and gorgeous; last spring, I expected little from them (a poor year generally follows a good year, in my experience), yet they made a second remarkable showing. This year, not a one!

The corn is all planted and doing well, and will consume $1,700 of fertilizer and weed inhibitor (pigweed, passion flower, crotalaria, jimpson's grass, sickle pod, etc.) before next week is out. (The bloody deer and only slightly less bloody turkeys should all fall to their knees in adoration as I go by, bless them.) I have never heard so many songbirds as this spring, though I am frustrated in identifying them because I have a poor memory for birdsong and my eyesight is uncertain. But I can hear the birds early morning and during the evening, which is a joy.

Finally, I discovered a month ago, on the Killing Field, a gift from Javi [R.I.P.]: He had planted two pink cherries of the beautiful species that we have on the lawn. They were overgrown by trash deciduous trees in the windrow, and half buried by them, but I spotted lovely pink blooms one late afternoon when I was watering the plantings near his stone! The cherries are now maybe as much as 20 feet tall, and need pruning, a task that I recommend to you boys; but meanwhile I ordered Blake Williams to clear around their bases. That will be an entrancing corner of Peor Es Esto, and a wonderful memory of Javi every time we see the cherries in flower.



WALKING a country lane and simply looking about one can be among the most rewarding experiences available to us in this vale of tears. Have you noticed the lyre-shaped sparkleberry tree at the head of the Pasillo, the tall, handsome hickory by the Plazuela de la Lealtad that looks as though it was at one time circled in chains, the trailing arbutus on the path entering the Peninsula, the birdsfoot violets and wild iris across the Big Pond? I can always tell a farmer when I receive his visit. His eyes take in everything, and he will say, "I notice you've put out milo where you had browntop millet last year. Any reason?" This sort of remark was typical of Whit Boykin. The farmer and the naturalist (like Javi) absorb everything that is going on and consequently derive double the pleasure of other people who happen into the country. I remember Icky Guy remarking to me how it is that southerners, who may not visit a book other than the Bible twice in their lives, yet turn out a disproportionate number of our country's finest novelists, or used to. He explained the phenomenon by saying that southerners prefer to live their lives directly and intensely, as a personal experience, rather than derivatively—wasting their time buried in a book. But when they are called on, or feel the impulse, to write, they pour into their writing all that passionate and closely observed devotion to the land.

Once, a long time ago, when asked what luxury I would buy myself if ever I became so pigrich that nothing need be denied, I answered that I would hire a string quartet to be at my beck and call 24/7 to play chamber music whenever I desired. But I don't want that string quartet with me when I walk in the country. The profound pleasure of nature is cost-free (unless, like me, you are obsessive about improving it) but jealous. It will not brook competition; requires total concentration. The trick is this: Keep the ego from intruding. Let the glory and *balm* of nature flood into your soul, in silence. *Harken* to nature. Sieve it through your eyes, suck it in through your nose and mouth (and pray that you do not suck in a deer fly at this season). Let your whole being *float* in what surrounds you, and shut up. *Shut up!* Do not talk, even if it kills you to keep silence. Do not even think, if you can avoid that. Nothing you may think or say is of the least importance to the cosmos. You will not be here for long; nature is here forever. What little you have contributed to the beauty of your natural surroundings will not outlast your lifetime: yet traces of it will remain, retained, half hidden, for someone else to discover, to release freshly to the eye, to shape and to revel in. (Read Gerard Manley Hopkins's "God's Grandeur.") Meantime your spirit is made new.

I am certain that this closely corresponds to what Uncle Bill derives from the sea, Uncle Jim from the Antarctic. It closely corresponds to what the duck hunter derives from the sound of wings currying air currents in the magical suspension of time before dawn, and what the fly fisherman derives from the peace of a river in the evening as he swishes his lure on a quiet eddy. I feel deeply sorry for people who deprive themselves of such supreme pleasure.

Affectionately, your humble and obedient slave,

[Reid]

—WFB

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■ PUBLIC POLICY ■

Mr. Smith Went to Washington

And he was something different at the FEC

BYRON YORK

Five years ago, the hottest confirmation fight in Washington wasn't over a judicial nominee, or an ambassador, or a cabinet choice. It was, instead, over a relatively unexalted position on the Federal Election Commission, and it involved a law professor named Bradley Smith, who would soon become, after Sen. Mitch McConnell, the man most hated by what is sometimes known as the campaign-finance-reform community.

Smith earned the reformers' antipathy by arguing, forcefully and persuasively, that the McCain-Feingold campaign-finance-reform bill was hopelessly misguided. In fact, Smith believed that most campaign-finance-reform laws, going back to the landmark Federal Election Campaign Act of 1974, were hopelessly misguided. "When a law is in need of continual revision to close a series of ever-changing 'loopholes,'" Smith wrote in the *Wall Street Journal* in 1997, "it is probably the law, and not the people, that is in error." Smith suggested that simply eliminating the Federal Election Campaign Act was the best thing to do.

To any dedicated reformer, those were fightin' words. But as a professor at Capital University in Columbus, Ohio, Smith wasn't too dangerous; he was confined to activities like appearing at panel discussions and writing op-eds. But in 1999, then-majority leader Trent Lott, along with McConnell, chose Smith as the GOP nominee to the election commission. That's when Democrats went nuts.

In an open letter to President Clinton, leading reformers charged that putting a critic like Smith on the FEC amounted to "an act of utter disdain and disrespect for the laws." How could someone who had criticized the campaign-finance laws possibly enforce them? Senate Democrats blocked his confirmation, starting a months-long standoff. Finally, a deal was struck: Democrats agreed to end the Smith blockade in return for Republicans' allowing 16 of Clinton's judicial nominations to go forward. Thus Bradley Smith became the most expensive FEC commissioner in history.

Now, his five-year term is over, and Smith is leaving the commission to return to Capital University. Recently, he sat down at the FEC's office in downtown Washington for a look back at the major issues of his time in the capital.

Actually, there's been only one truly major campaign-finance issue during Smith's time at the FEC, and he hasn't changed his mind about it. "I think McCain-Feingold has been demonstrably a failure," he says. "I don't know how people could say much else. On the other hand, I don't know that it's been as harmful as some people thought it would be, in part because the outlet remains there for 527s." By that, Smith is referring to the outside-the-parties groups that were allowed to accept unlimited contributions: enormous groups like America Coming Together, the pro-Democratic voter turnout group that, with sister organization The Media Fund, spent $200 million trying to defeat George W. Bush, and less-enormous groups like the Swift Boat Veterans for Truth, which spent $22 million on anti-Kerry ads.

Reformers were united in wanting Smith and the FEC to shut down the 527s during the campaign. And because Democrats got an early—and very successful—start on 527 fundraising, some Republicans, who might otherwise have adopted a principled view of contribution limits as limits on political speech, also wanted to muzzle the 527s. George W. Bush himself said that that would be a good idea. But Smith, who believed strongly that 527s were legal under McCain-Feingold, said no. "The law is not whatever John McCain decides the issue is that day," he says. "It's what they actually passed in Congress."

And besides, Smith believed then and believes now that free political speech is simply good for politics, regardless of whether 527s are involved. "Let's put it this way," he says. "I think it's a great thing that a bunch of average, middle-class citizens like the guys at Swift Boat Veterans for Truth can influence an election. And I think that it's probably a fine thing that a group like America Coming Together is out there registering voters."

But what about all those mega-contributions from the likes of George

ROMAN GENN

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Soros, who gave $20 million to America Coming Together? Does Smith have a problem with that?

"No."

Well, what if Soros had given *$40* million? Would that have been a problem?

"No."

Statements like that drive the reformers to distraction. And Smith's views made it inevitable that he would have some sort of run-in with the man most responsible for present-day campaign-finance reform.

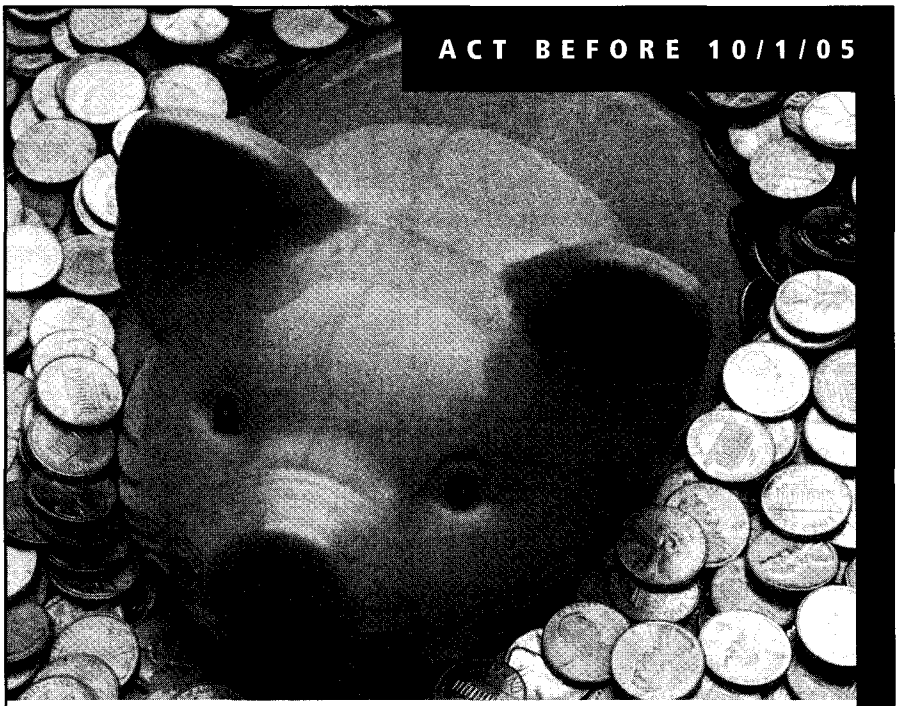
"McCain has always refused to meet with me," Smith says. "I tried to meet him once at a public hearing. He was at the table, and I went up and I said, 'Senator,' and I held out my hand. And he instinctively took my hand, and then he looked up and realized who it was, and he yanked his hand away and said, 'I'm not going to shake your hand. You're a bully and a coward, and you have no regard for the Constitution. I don't have to talk to you. I'm not going to talk to you.' It was right in front of a large number of people, so I don't think he wants to talk to me."

"He said you were a bully and a coward?"

"Uh-huh. And corrupt, too. He always calls me corrupt. And my wife says, 'If you're corrupt, you're the worst corrupt person I've ever seen. Where are the fur coats? The watches? The cars? The fancy trips?'"

Smith isn't finished on McCain. After watching the senator for years, Smith believes McCain doesn't truly understand his own signature issue. "He is woefully ill informed on campaign-finance issues," Smith says. "I have seen him repeatedly misstate what the law is, misstate what court decisions held, and I think that's one reason he gets so angry when he talks about it. It's because he doesn't really understand what a complex issue it is, what a difficult issue it is, he doesn't understand the court hearings, he doesn't understand how we've gotten where we are—so he just gets mad."

These days, McCain is promoting a new bill that would subject 527s to contribution limits. Like Mitch McConnell and other reform opponents, Smith believes that that would just send the big money elsewhere, perhaps to so-called 501(c)(4) organizations, which are allowed to accept unlimited contributions and engage in some political activity. Smith also worries about future attempts to regulate political speech on the Internet, where big media compa-



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nies could be given a First Amendment press exemption on speech limits, while smaller website operators might be forbidden to make overtly political statements.

Whatever happens, Smith won't be around to enforce the rules. And he doesn't seem fully convinced that his time in Washington has been well spent. When asked whether serving on the FEC has been a worthwhile exercise, Smith at first laughs and doesn't answer. Then he asks, "From what perspective?" Finally he explains that from a policy perspective, he is most proud of his stand against regulating the 527s. "I think if I had not taken the lead and said, 'This is not a proper interpretation of the law,' it would have rolled through." The 527s would have been regulated in mid-campaign, and chaos might well have ensued.

Personally, he has learned a few things about how Washington works—but not that much. "Had there not been such an effort to get me confirmed," Smith says, "I quite likely might have left in the middle of my term, figuring from a personal standpoint that I had learned what I felt I could learn."

Still, Smith believes it is important that people like him, who question the wisdom of laws like McCain-Feingold, take part in enforcing those laws. "I think that it's clearly wrong that enforcement of the law should be left to zealots," he says. "If the argument is that you can't be on the commission if you don't believe in these laws, that would seem to suggest that you can't be on the commission if you don't believe in *some* of these laws, because you can't be trusted to enforce those, either. And that would mean that no person who ever wanted to deregulate could ever serve on a commission. It would be a one-way ratchet."

And that would lead to regulation on top of regulation—much the situation that exists on many government commissions today—and, for the FEC at least, a loss of perspective about what political campaigns, and campaign laws, are all about. "I think we would benefit by thinking of the First Amendment less as a sort of bizarre, libertarian impediment to badly needed regulation than as a well-thought-out approach to how political activity ought to work," Smith says. "And the basic premise is: It is very dangerous to give the government the power to determine who gets to speak and who doesn't." **NR**

■ **PUBLIC POLICY II**

Hot Enough For You?

The state of the global-warming debate, and politicking

JERRY TAYLOR

It has been four years since President Bush declared the Kyoto Protocol a dead letter, but the campaign to impose industrial greenhouse-gas emission controls on the American economy shows no signs of letting up. Although Sen. John McCain's bid last month to include concrete emission controls in the pending energy bill attracted only 38 votes, the Senate subsequently passed a resolution calling on Congress to "enact a comprehensive and effective national program of mandatory, market-based limits on emissions of greenhouse gases that slow, stop and reverse the growth of such emissions." An attempt to table the resolution was opposed by Republican senators Lamar Alexander, Lincoln Chafee, Susan Collins, Mike DeWine, Pete Domenici, Lindsey Graham, Judd Gregg, Richard Lugar, John McCain, Olympia Snowe, Arlen Specter, and John Warner. Apparently, even red-state Republicans are having doubts about Bush's position on climate change.

One might think that the increased political buzz around global warming is driven by science. One would be wrong. The scientific case for alarm is no more compelling today than it was yesterday.

The first (and sometimes last) stop in the global-warming debate is the question, Is it real? The answer seems to be yes. Ground-based and oceanic temperature records show warming of about three-quarters of a degree Celsius in the last century. About half of that warming, however, occurred before World War II and is widely thought to be related to solar activity. Satellite and weather-balloon records, which do not go back as far, show less warming in the late 20th century than the land-based stations.

Mr. Taylor is director of natural-resource studies at the Cato Institute.

What's causing this warming? We don't know. As the vice president of the U.N.'s Intergovernmental Panel on Climate Change (IPCC), Yury Izrael, wrote bluntly last month, "There is no proven link between human activity and global warming." Given the extreme variability of global temperature, warming might simply be statistical noise. It might result from solar and/or volcanic activity. It might be caused by industrial emissions. And it might come from some combination of the three.

What do most scientists *suspect* is going on? The best way to ascertain the "scientific consensus" is to look at the latest report of the IPCC (released in 2001), which purports to summarize the state of scientific knowledge on global warming. Here's what it says: "Most of the observed warming over the last 50 years is likely to have been due to the increase in greenhouse gas concentrations." The report finds that it is "unlikely (bordering on very unlikely) to be entirely the result of internal variability," and that "natural forcing alone [i.e., solar and/or volcanic activity] is unlikely to explain the increased rate of global warming since the middle of the 20th century."

The promiscuous use of such vague terms as "likely" and "unlikely" by scientists who are trained in precision speaks volumes about how much is unknown. At the very least, such language makes it impossible to accept the Greens' claim that "the debate is over," particularly given all the uncertainty—fully discussed in the IPCC report—regarding long-term climate records and important data on atmospheric feedbacks. In fact, uncertainty about future climate conditions is greater in the 2001 IPCC report than it was in the 1995 IPCC report.

Do other reviews of the scientific literature tell a different story? It depends on whom you ask. An article by Naomi Oreskes in *Science* last December examined 1,000 scientific papers published since the early 1990s. Oreskes concluded that 75 percent of those papers either directly or implicitly supported the argument that industrial emissions are driving global warming, and none directly argued to the contrary. A subsequent review of the same articles by Benny Peiser, a senior lecturer on the science faculty at Liverpool John Moores University, found nothing of the kind. Peiser concluded that only one-third of the papers reviewed by Oreskes actually

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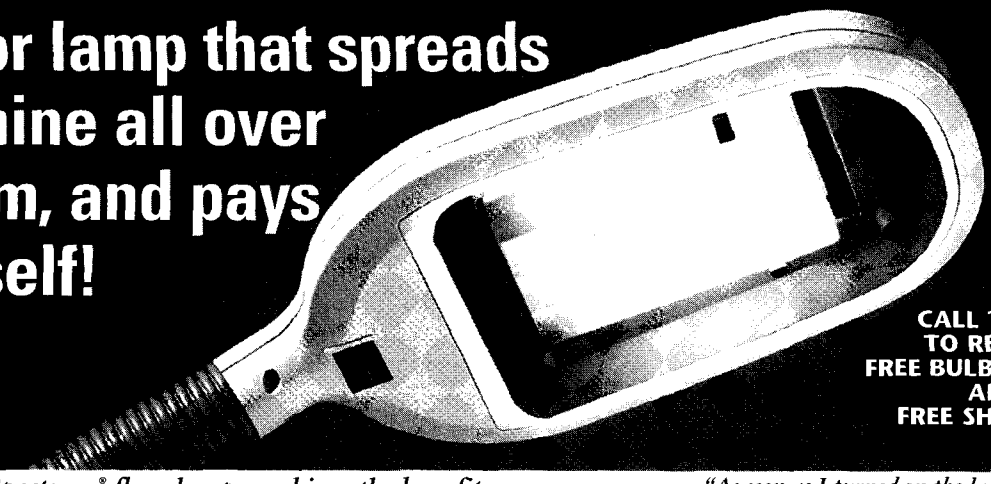

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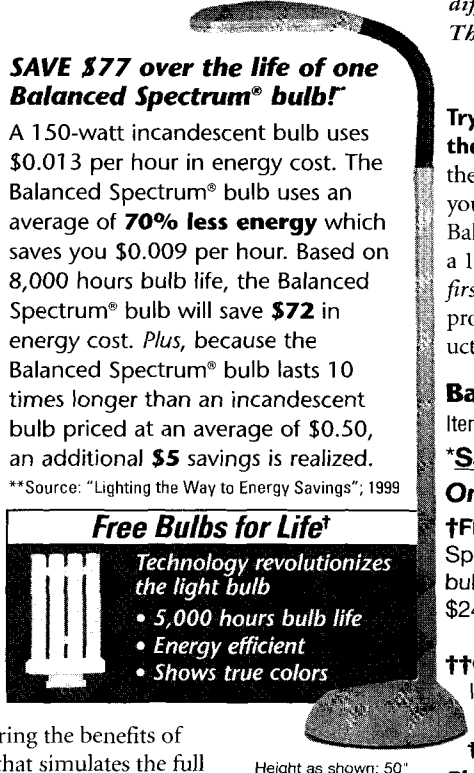

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supported the "consensus view," and only 1 percent did so explicitly.

In any case, debating what constitutes the mainstream thinking on climate change is not particularly enlightening. Regardless of how one defines "the consensus," scientific truth is not revealed by a show of hands. As Thomas Kuhn demonstrated in *The Structure of Scientific Revolutions*, the history of scientific progress is a history of once-solid consensuses being overthrown by minority skeptics. In short, today's consensus proves nothing.

Even more heated than the debate about the cause of climate change is the debate about its likely effects. In fact, most of the so-called skeptics who publish in peer-reviewed literature accept the contention that mankind is probably responsible for most present-day warming. They argue, however, that the warming has been and will continue to be quite modest, and that the pattern of warming we're seeing does not suggest that a parade of horribles awaits us.

The skeptics are on solid ground here because the atmosphere simply has not proven to be as sensitive to industrial greenhouse-gas emissions as some theorists have feared. Unless some temporary phenomenon is masking the effect of such emissions, atmospheric physics suggests that warming will occur at a linear rate—a conclusion affirmed by almost all the computer climate models in existence. This insight suggests a simple exercise: Plot temperature data over the last 50 years and draw a trend line to see what the future has in store. Doing so suggests that warming will likely be at the low end of the IPCC's projections—about 1.5 degrees Celsius by the year 2100.

Should we worry about such modest warming? From an ecological perspective, probably not. Because water vapor is responsible for 94 percent of the natural greenhouse effect, industrial greenhouse gases have a greater impact in dry air masses than in wet ones. Fully 78 percent of the warming has been concentrated in the driest air masses, which are primarily found during the winter (when 69 percent of the warming has occurred), at night, and in the northern latitudes.

The fact that winter nighttime lows in the Northern Hemisphere aren't quite as cold as they used to be need not cause anyone to panic—and there seems not to be an increased incidence of the destructive weather events that would follow from warming in wet air masses. According to the IPCC, "[T]here is little sign of long-term changes in tropical storm intensity and frequency," and "no compelling evidence" that local severe-weather events are on the rise. Most important, "no significant acceleration in the rate of sea level rise during the 20th century has been detected." Precipitation in the northern hemisphere has likely increased by a meager 0.5–1 percent a decade, but "no comparable systematic changes in precipitation have been detected in broad latitudinal averages over the Southern Hemisphere."

There are good reasons to think that a warmer world might be a better world. Agronomists, for instance, are fairly convinced that heavier concentrations of carbon dioxide in the atmosphere, as well as the longer and somewhat wetter growing seasons that follow from the greenhouse warming pattern, have already increased crop yields and will continue to do so. Warmer weather also leads to declines in energy use, and probably fewer weather-related deaths.

Not surprisingly, economists who have examined the implications of the warming projections offered by the IPCC have had a hard time proving the existence of net negative effects. In fact, Yale forestry economist Robert Mendelsohn has demonstrated that nations north of the equator will probably benefit from global warming, and that warming will likely prove an economic wash for the world as a whole.

Both sides in the global-warming debate contend that "sound science" should dictate public policy. For the foreseeable future, though, it's unlikely that scientists will be able absolutely to prove or disprove the proposition that industrial greenhouse-gas emissions are ushering in a dangerous warming trend. Even if scientists could prove this, they have no particular expertise at choosing among competing policy responses. Nor are scientists' levels of risk aversion, or their choices about how to hedge against risk, necessarily superior to those of anyone else.

Scientists cannot tell us how best to handle the threat posed by global warming, no matter how much we, or they, wish otherwise. They can help inform the debate—but they have less to contribute than most people think. **NR**

■ **THE NATION**

A Race-Based State

Hawaii wants a segregation that would boggle your mind

RAMESH PONNURU

REPUBLICANS have shown precious little courage in fighting government policies that distribute benefits based on race in recent years. There have been no legislative efforts to rein in racial preferences in federal contracts, and the Bush administration gave a qualified blessing to racial preferences in college admissions when the Supreme Court was considering the issue. Now we are going to see whether Republicans can at least oppose the creation of new race-based subsidies.

Sen. Daniel Akaka, a Democrat from Hawaii, is sponsoring a bill to create a race-based government for "Native Hawaiians." It may well pass, thanks to the support it has gotten from a few Republicans, including Lindsey Graham of South Carolina and Norm Coleman of Minnesota.

Hawaii has an Office of Hawaiian Affairs that provides benefits to "Native Hawaiians"—that is, to descendants of the racial majority of the islands at the time they became part of the United States. Until recently, the board of the agency was restricted to Native Hawaiians, and only Native Hawaiians were allowed to vote in elections for board members. In 2000, however, the Supreme Court ruled (over the dissent of two liberals) that the racial restrictions on voting violated the Fifteenth Amendment. (That's the one that, well, prohibits racial restrictions on voting.) In the course of explaining their decision, the justices cast doubt on the constitutionality of the whole scheme of benefits for Native Hawaiians.

The Akaka bill heads off the threat of colorblind government by treating Native Hawaiians as akin to an Indian tribe. The tribes get to govern themselves. Under the bill, Native Hawaiians would be treated

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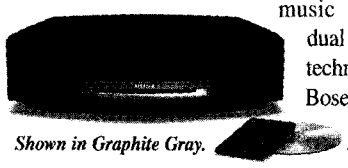

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similarly—or so the bill's supporters claim. Native Hawaiians will get the sustained prosperity and good government that Native Americans so famously enjoy. Or the Native Hawaiians could choose to go back to monarchy, the form of government that was overthrown in 1893. The new government, whatever its form, will negotiate with Hawaii and the federal government over lands, natural resources, and civil and criminal jurisdiction. The Bill of Rights does not fully apply to Indian tribes, and even those elements of it that do theoretically apply are hard to enforce. The Native Hawaiian government would not have to comply with the Bill of Rights, either.

The new government could choose to sever ties with the United States. The Office of Hawaiian Affairs promotes the bill as a step toward letting Native Hawaiians "exercise their right to self-determination by selecting another form of government including free association or total independence."

Critics of the bill, however, say that Native Hawaiians are not analogous to Indian tribes. The federal government did not create sovereign tribes so much as recognize them. Generally, the tribes existed as tribes before the areas in which they lived got statehood. The federal government made treaties with them, or passed statehood-enabling laws that recognized them. In a few other cases, tribes have been recognized after demonstrating that they had formed a separate and distinct community exercising sovereignty over the previous century.

Native Hawaiians aren't a separate and distinct community. They aren't geographically separate. Native Hawaiians who live in Hawaii live in the same neighborhoods, and go to the same stores, churches, and schools, as the other four-fifths of Hawaiians. So federal recognition of their "tribal" status would mean that a Native Hawaiian storeowner would be effectively exempt from state sales taxes while his non-Native competitor down the street would remain subject to them. There is no marked cultural separation of Native and non-Native Hawaiians, either: Intermarriage rates are quite high in Hawaii.

Nor have Native Hawaiians exercised political sovereignty. There are no pretenders to the old Hawaiian throne. There wasn't a purely race-based government in Hawaii even before 1893. The queen had subjects who had come, or whose ancestors had come, to Hawaii from all over the world. The government included officials of many races. Nor was the sovereignty of the Native Hawaiian race recognized at the time Hawaii became a state. The rhetoric of statehood advocates at that time (the 1950s) was that of the melting pot, not of racial separatism. Yet the Akaka bill's criterion for participating in the new government is being able to document lineal descent from the indigenous people of Hawaii. (The bill does not specify how much Native Hawaiian blood must flow in a person's veins for him to qualify—one drop would apparently count.)

Native Hawaiians who live in Hawaii live in the same neighborhoods, and go to the same stores, churches, and schools, as the other four-fifths of Hawaiians.

Jon Kyl, a Republican senator from Arizona, has led the opposition to the bill. "It is the antithesis of the American concept of *E pluribus unum* and could begin the balkanization of the United States based strictly on race and ethnicity." If Aztlán and other Latino separatists ever acquired some political strength in California and the Southwest, the Akaka bill would be a handy precedent for them.

But Kyl doesn't have much company. Congress has a track record of pandering on Hawaiian issues: In 1993, it officially apologized for America's alleged role in the overthrow of the monarchy. (Apparently that was illegitimate, although it was perfectly fine for that line of monarchs to take over Hawaii in the first place.) There is no Democratic opposition to the Akaka bill, and several Republicans are supporting it. Alaska's congressional delegation has long worked with Hawaii's. The senators from Hawaii voted to allow drilling in the Arctic National Wildlife Refuge, a priority for Alaska lawmakers that just barely passed the Senate. Alaska's Republican senators, Ted Stevens and Lisa Murkowski, are co-sponsors of the Akaka bill.

But the Alaska connection isn't the only reason some Republicans are supporting the bill. In 2002, Hawaii elected Linda Lingle, the first Republican governor of the state for 40 years. She backs the Akaka bill. She is said to see her position as a prerequisite for increasing the party's share of the Native Hawaiian vote. And she has brought Republicans elsewhere with her. Gordon Smith of Oregon might have co-sponsored the bill in any case. But it is hard to believe that Lindsey Graham would be co-sponsoring it if not for Lingle.

Kyl has been fighting the bill for almost as long as it's been around. Last year, though, he was forced to make a partial retreat. Senator Stevens and Hawaii's Daniel Inouye attached the Native Hawaiian bill as an amendment to the bill funding the Departments of Labor and Health and Human Services. Kyl couldn't very well defeat that bill, especially as a member of the Senate Republican leadership. And supporters of the Akaka bill were threatening to hold up bills important to Arizona if he tried. So Kyl and other opponents of the bill—notably Pete Domenici of New Mexico and majority leader Bill Frist—cut a deal promising a vote on the bill in 2005.

Kyl is going to try to amend the bill to make it less noxious. He may, for example, try to take out its strict racial classifications. If the bill passes, action will move to the House—where it has received even less scrutiny than it has gotten in the Senate.

Benjamin Ginsberg, a well-connected Republican lobbyist—he was counsel to the Bush campaign in 2000 and most of 2004, and he works at the powerhouse firm of Patton Boggs—is working for the bill. There is no money on the other side of the issue. Ted Olson, Bush's former solicitor general, has been so appalled by the legislation that he has done a little pro bono work against it.

In short, everyone with an interest in the bill—Lingle, the Alaskans, Ginsberg—wants it to pass. The only people who want it to fail—Kyl, Olson—do so for reasons of principle. That's the state of play right now: It's interest vs. principle. You know which way to bet. **NR**

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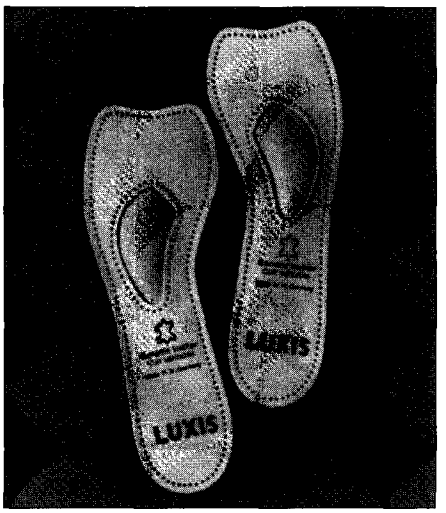

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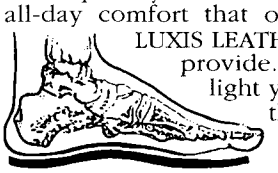

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■ CENTRAL AMERICA

Ortega, Again

The Left's dear comandante comes back in Nicaragua

OTTO J. REICH

TWENTY years ago this summer, Washington's hottest debate centered on the Contras' war against the Sandinistas in Nicaragua—and how to keep the nations of Central America from falling into the hands of Marxist terrorists or right-wing death squads. It was the equivalent of today's Iraq debate. The eventual victory of freedom in Nicaragua came at a cost of tens of thousands of lives—and it is now in jeopardy.

The hard Left in Latin America has learned its lessons: It is no longer trying to gain power by force, because it fears (with just cause) the unmatched power of the United States and the willingness of recent Republican presidents to use it in the defense of freedom; it is therefore resorting to political warfare to regain power, and one of its battlefields is again Nicaragua.

In many ways the fight 20 years ago was simpler. On one side, the Sandinistas—armed, organized, trained, and supported by the USSR, Cuba, and an assortment of international terrorist groups—were determined to impose a Communist dictatorship. On the other side, the armed Contras and the unarmed Nicaraguan resistance—supported by the U.S.—were trying to prevent Nicaragua from falling into the totalitarian abyss. Today's battle is more complicated: Two bad actors of the 1980s, Daniel Ortega and Arnoldo Alemán, are trying to wrest power from the duly elected president, Enrique Bolaños. Alemán and Bolaños were anti-Sandinistas, but that is where the similarity ends. After a successful run as mayor of Managua, the then-popular Alemán became president in the mid-1990s and proceeded to treat the country as his personal fief and bank, as the Somoza family had done before him—stealing food from the mouths of a population that years of war and Sandinista misrule had turned into the poorest in the region.

Suddenly Alemán resembled more the kleptomaniac, autocratic Ortega than the democrat he had claimed to be. Since his election, Alemán had stolen so much money that he needed protection. Who better to provide it than Ortega, who controlled the Sandinista congressmen and most of the judicial branch? One might well ask how a despicable party boss like Ortega can control a nation's judiciary. The answer lies in the agreement signed late on the night the Sandinistas—unexpectedly—lost the 1990 election. Ortega's first reaction to his defeat was to refuse to accept the verdict of the people and to threaten to remain in power by force. But the presence of many international observers prevented such an obvious self-coup. So, to relinquish the presidency, Ortega demanded a disproportionate number of congressional seats and retention of the judges the Sandinistas had installed during their eleven years of rule. The vast majority of the judges now answered to Ortega.

The Ortega-Alemán alliance has been striking at Nicaragua's President Bolaños with a vengeance.

Like Alemán, Ortega also needed protection: He had been accused of massive human-rights violations during his ten years as leader, for which the Sandinista-controlled Assembly amnestied him. Later, his stepdaughter publicly and convincingly accused him of sexually abusing her over many years. Ortega now needed the support of the person whose party had gained control of a majority in the Assembly to avoid the legal complications of the abuse charges: the corrupt Arnoldo Alemán. In 2000, Alemán and Ortega decided to enter into a Pact.

In essence, the Pact was an attempt to put the entire government under the control of those two party strongmen, while at the same time leaving in place the façade of independent democratic institutions. In January 2002, President Bolaños took office and soon launched an internationally recognized anti-corruption campaign. Against great odds, and in spite of the fact that Ortega and Alemán controlled the National Assembly and the Supreme Court, Alemán was convicted on corruption charges.

The Ortega-Alemán alliance has been striking back at President Bolaños with a vengeance. First, Ortega used his control of the judges to release Alemán from prison, and to allow him to serve his corruption sentence under house arrest at Alemán's own luxury ranch. Then, in October 2004, the two Pact leaders attempted a legislative coup d'état. They tried to bring trumped-up charges of election-finance violations against Bolaños, in order to remove him from office. An immediate outcry from much of the international community and Nicaraguan civil society cut this attempt short.

Finally, in November 2004, Ortega and Alemán decided that if they could not seize control of the executive branch of government they would simply strip it of its power. The National Assembly began to pass a series of laws and constitutional "reforms" designed to transfer a great deal of power to the National Assembly: The effect would be to create a "mega-legislature" more powerful than any legislative body in the Western Hemisphere, and to leave the executive branch virtually powerless.

In a normal democracy, Bolaños could have turned to the Supreme Court for protection against a naked power grab by the legislative branch. But the Nicaraguan Supreme Court is one of the most discredited institutions in the country: Because of the Pact, its members have been personally selected by Ortega or Alemán, and they respond to orders from their party bosses. *La Prensa*, Nicaragua's largest and most respected newspaper, had this to say on June 6 about the Supreme Court: "The worst

Mr. Reich is an international consultant in Washington, D.C. He served in the administrations of Reagan, Bush 41, and Bush 43.

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part of this fight between the Executive and the Legislature is that the Judiciary cannot resolve it, because it is not independent, rather it obeys one of the parties of the conflict and therefore it lacks the authority and credibility to judge and resolve such a case." To understand the character of the Nicaraguan Supreme Court, it helps to know that it may be the only supreme court in the world on which three sitting justices have had their U.S. visas revoked because of corruption.

Under these circumstances, President Bolaños was left with few options if he wished to defend the bedrock democratic principle of separation and independence of powers. He appealed to the Organization of American States, which in 2001 had adopted the Inter-American Democratic Charter, committing all member nations to be "representative democracies." Article 3 of the charter requires that OAS member states have "separation of powers and independence of the branches of government." Bolaños also brought suit against the National Assembly in the Central American Court of Justice (CCJ). The regional court ruled early in 2005 that the attempted constitutional reforms violated the OAS Inter-American Democratic Charter, two Central American treaties, and Nicaragua's own constitution. The National Assembly responded by ordering up an instant ruling from the ever-compliant Nicaraguan Supreme Court claiming the CCJ did not have jurisdiction, despite the fact that Nicaragua is a signatory of the treaty. On April 1, the presidents of all the Central American nations jointly issued a statement supporting President Bolaños.

The new secretary-general of the OAS, former Chilean foreign minister José Miguel Insulza, is trying to find a peaceful solution to the crisis—which is now nearing a boiling point. There are currently two competing sources of authority in the country: President Bolaños, backed by the Central American Court of Justice, much of Nicaraguan civil society, and the international community; and the Ortega/Alemán-controlled National Assembly, backed by the rubber-stamp Supreme Court, the National Prosecutor's Office, and the National Comptroller's Council, all headed by appointees of the Pact.

No one can predict how this crisis will end; violence is possible. The police and the army are currently taking their orders from Bolaños, but the Pact is pressing to convince the police that they must obey orders from the courts. If the Pact convinces the police to switch sides, Ortega and Alemán can complete their planned takeover of the executive power. There is little doubt that the Sandinista party, with its history of orchestrating violent street demonstrations for political effect, could try to make Nicaragua ungovernable and attempt to remove Bolaños from office. The Pact would be in virtual control of all branches of government, and the way opened for the manipulation of a fraudu-

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lent Ortega "election" to the presidency in 2006.

Nicaragua is a test case for the OAS's new Inter-American Democratic Charter. Two of democracy's cleverest enemies in Central America—Ortega and Alemán—have refined a technique of hollowing out democratic institutions from the inside in order illegitimately to rule a country from their position as political party bosses. We may soon get an indication of whether the OAS has been able to keep pace with the times, and has evolved techniques and methods of its own to confront successfully these new types of challenges to democracy in the hemisphere. Friends of freedom and democracy should be paying close attention, and supporting Nicaragua's elected leader, Enrique Bolaños. The neighborhood's enemies of freedom are also watching, and probably doing more than that. **NR**

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■ **THE CARIBBEAN**

Orwell in The Tropics

The nightmare of Cuban refugees continues in the Bahamas

JAY NORDLINGER

It's a wretched story, like so many out of Cuba, but it has a twist: the wretchedness of the government of the Bahamas. These islands are located in an awkward position, just northeast of Cuba, just southeast of Florida. When Cubans flee on rafts and other pathetic craft, they sometimes drift into Bahamian waters, and are picked up by that country's coast guard. From this point, a horrible drama begins (even beyond the drama of a perilous departure from Cuba): The rafters are kept in a detention camp, under savage conditions. And they face the nightmare threat of being repatriated to Cuba. The Bahamian government, despite being a democracy, and an ally of the United States, has a very cozy relationship with Castro. They fear him, work with him, submit to him. And this puts the lives of some remarkably brave people at risk.

Seven of those lives belong to members of a Cuban opposition party: the Frank País November 30th Democratic party. A little explanation: País was a revolutionary, a democratic fighter against the Batista dictatorship. On November 30, 1956, he led an uprising in Santiago de Cuba, later to be celebrated. País was gunned down the next summer. Today, the Frank País/November 30th party is banned, like all parties in Cuba except Castro's. And from it come some of the most admirable people you will ever encounter.

The seven now in the Bahamas were long persecuted in Cuba, for their peaceful activities: the placement of posters in parks, the holding of prayer vigils, and so on. In August 2004, their situation intensified, and the State Security was closing in. They went underground, hiding in various homes. And at 1 in the morning on August 31, they made a run for it, on a raft—in the face of a brewing hurricane. Ordinary readers might ask how people in their right minds could attempt to reach the United States from Cuba on a raft, while a hurricane develops. These readers will have no idea of the danger that besets oppositionists in Castro's Cuba.

On September 3, the seven were picked up by the Bahamian coast guard, and sent to a place notorious among Cubans, Haitians, Jamaicans, and others who might land on the Bahamas: the Carmichael Road Detention Centre. There were other Cuban dissidents in that camp as well, specifically eight from the Pro-Human Rights party, an affiliate of the Andrei Sakharov Foundation. Two are still there, the others having been sent back to Cuba, to meet their fates. The remaining two are Jesús Montes de Oca Martija, and his wife, Yanelis Acosta González. Jesús is the brother of René Montes de Oca, interviewed in these pages four years ago. René recently finished his latest prison stint, and has resumed his political activities in Cuba. The Montes de Ocas are a gutsy, untiring family.

To read or hear about life at Carmichael Road is trying. As Ileana Ros-Lehtinen, the Miami congresswoman, says, "The Bahamian government treats [detainees] like dogs." That may be an understatement. Malnutrition, disease, rape, mock executions, beatings, random sadism—the litany is awful. Guards seem to have free rein to abuse refugees they somehow detest. To its credit, the Bahamian press has not been silent on the question. Last December, an article in the *Tribune* spoke of "recreational barbarism" and "a culture of brutality." It cited a "legal source," saying, "This detention facility has the potential to cause the Bahamas enormous international embarrassment. . . . Carmichael Road is a disgrace that cannot be defended by anyone of rational mind."

Yet few in the world know about this situation, which is merely one on a vast, bad globe. Cubans, however—in Miami and elsewhere—do. In December, citizens protested outside the Bahamian consulate in Miami. And Cuban Americans on a Carnival cruise ship refused to disembark in the Bahamas. They were going to Mex-

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ico, but the ship was diverted to Nassau, owing to a medical emergency. These passengers were loath to spend a dime in the country. Activists talk of a wider, explicit boycott.

On January 10, the seven from the November 30th party managed to smuggle out a letter from Her Majesty's Fox Hill Prison, to which they had been transferred. The letter was entitled "Our Truth." It told of gross mistreatment at Carmichael Road, and of a harrowing incident that had taken place a month before: A kind of riot broke out, involving a fire, and an orgy of violence by the guards. The November 30th group ended up in this maximum-security prison. They concluded their letter, "We are honest men, most of us are Christians, without a common criminal record [what they mean is, they have political ones], and all we want is to be able to work in liberty, strengthen our Christian faith, and not return to our homeland until Cuba is free . . ."

Those familiar with this story confirm a depressing phenomenon: the Bahamians' deep hostility to the Cubans, and their extraordinary cooperation with the Cuban government. As Ros-Lehtinen puts it, with characteristic bluntness, "They're in cahoots with the Castro regime." How can this be so? Some trace the Bahamian posture to 1980, when the Mariel boatlift occurred. (This was the exodus of approximately 125,000 Cubans to the United States.) On May 10 of that year, some eight Cuban MiGs sank a Bahamian patrol boat in Bahamian waters. They strafed the survivors; four died. This was a tremendous act of intimidation, showing that Castro was lord of the region, capable of anything. Says one former State Department official, "After that, the Bahamians changed completely. The Bahamas is a little country—300,000 people—and Cuba is a comparative giant. The Caribbean countries are, by nature, not aggressive, not belligerent, and that kind of thing really scares them." The Bahamas wants no trouble whatsoever from the explosive government to its south.

Those familiar with this story confirm a depressing phenomenon: the Bahamians' deep hostility to the Cubans, and their extraordinary cooperation with the Castro regime.

The former official and others point out that the Bahamas is a transshipment point for tourism to Cuba. And Castro throws around a lot of money on the islands, which is not without influence. That money is both seen and unseen.

Well-wishers of the Cuban refugees and dissidents seek the transfer of those held in the Bahamas to third countries. Under its current policy, the United States does not accept such people. Latin American nations, such as El Salvador and Nicaragua, will. So the refugees have an avenue out of danger. But the Bahamian government is turning even meaner than it was. Says Ana Carbonell, chief of staff to another Miami congressman, Lincoln Diaz-Balart, "For every 20, we used to be able to save four or five [from repatriation], but lately it's gotten worse." Last year, Nicaraguan visas were obtained for a clutch of refugees—and the Bahamas still shipped them back to Castro. This could amount to a death sentence. Under international law, refugees with "a well-founded fear of persecution" are to be granted asylum. This certainly applies to members of banned parties. And bear in mind that, under Castro's law, the mere attempt to leave Cuba is a criminal offense. So it is with all totalitarian countries.

It seems obvious that the Bahamian government fears and respects Castro more than it does the United States. As Ros-Lehtinen says, "They depend so much on U.S. tourism, and the goodwill of the American people, but they're not working with us at all" on refugee matters. "It's sad, for an ally." It is especially sad in the age of George W. Bush. In President Clinton's time, as Ros-Lehtinen notes, the U.S. ambassador to the Bahamas was the husband of Rep. Maxine Waters, the Los Angeles Democrat. She is one of the staunchest supporters of Fidel Castro in the United States. Cubans did not receive much sympathy in those years. But now the American mindset should be different.

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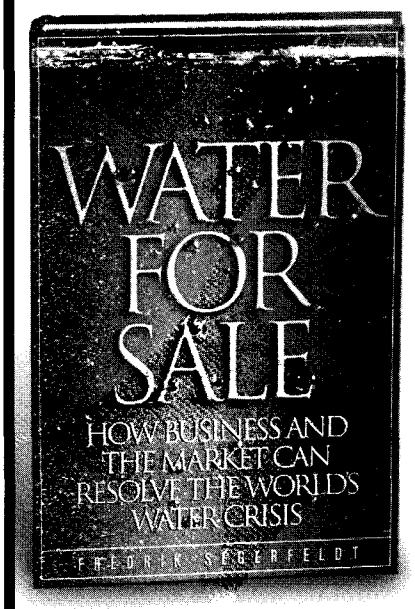

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—Martin Wolf, *Financial Times*

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The Bahamian government is stiff-necked and defensive on the detainee issue. They investigate allegations of abuse, halfheartedly and unpersuasively, and they sniff about national honor. Anyone can understand the Bahamas' reluctance to become a magnet for rafters—but that should not excuse the brutalization of detainees, or the return of dissidents to their Communist tormentors. Ros-Lehtinen says that, when she talks to Bahamian officials, handing them lists of prisoners, "They just look at you with a blank stare." And it's not as though these fleeing Cubans are trying to land in the Bahamas: It's a matter of the ocean currents and their homemade craft. "They don't set out from Cuba saying, 'Hey, let's go to the Bahamas!' They can't exactly get their GPS [Global Positioning System] going, to make sure they reach the United States. They're on rafts! They drift!"

'Nonperson' Pedro Batista Méndez

Most alarmingly, Ros-Lehtinen says that information about the refugees obtained by Bahamian interrogators is turned over to the Castro regime. The detainees' nightmare is just about total.

A network of Cuban-American officials and activists keeps an eye on these men and women, attempting to help them. The U.N. Refugee Agency has been utterly unresponsive. And the Red Cross? "It doesn't exist," says Ana Carbonell. Amnesty International, however, has made noise, somewhat spooking the Bahamian government. Helpers in Miami—angels such as Daisy Gil Ortíz, of the Information Bridge, and Pedro Fuentes-Cid, a lawyer who was a democratic revolutionary and was imprisoned by Castro for almost 16 years—have been in touch with a Bahamian pastor. He is an angel himself. He visits the prisoners, ministering to them. The Miamians asked if he could find, among his congregation, a lawyer who would work with the refugees. He tried—and no one was willing, for fear of angering the Bahamian government. That is the atmosphere on those sunny islands.

But the last week of June saw good news: Ecuadorian visas were secured for the November 30th group, and for Jesús Montes de Oca and his wife, Yanelis. Will the Bahamas now allow these nine to leave, for that willing third country?

It occurs to me that I have not named the seven from the November 30th party. To Castro, it is important that such people not have names, and that they be despised, and shown to be unwanted, everywhere. The concept of the "nonperson" is fundamental to any totalitarian regime. The names of the November 30th prisoners are Pedro Batista Méndez, Mario Paneca Rodríguez, Frank García Llerena, Alejandro Llerena Romero, Axel Emilio Rondón Herrera, David Martínez Pérez, and Jorge Luis Conde Morales. In his second inaugural address, President Bush said, "Democratic reformers facing repression, prison, or exile can know: America sees you for who you are: the future leaders of your free country." We'll see. **NR**

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■ **INDOCHINA**

Righteous Protests

When the Vietnamese prime minister came to the United States, he heard from Vietnamese Americans

RACHEL ZABARKES FRIEDMAN

RELATIVELY few Americans spend their time thinking about the plight of the millions of people living under Vietnamese Communism. The visit of Vietnamese prime minister Phan Van Khai to the United States last month provided an opportunity to change that. Khai's trip—the first official visit by a Vietnamese leader since the end of the Vietnam War—was welcomed by some as a chance for the U.S. to "bury the ghost of a past conflict" (the words of the *Houston Chronicle*'s editorialists) and to show, as Sen. John McCain put it, "that enemies can become partners and partners friends." To thousands of Vietnamese Americans across the country, however, it was instead an occasion to point out the extent to which the Hanoi government abuses its citizens, and to call on the Bush administration to use its leverage to push for change.

Take Nina Nguyen, who flew from her home in Hawaii to the capital to participate in two demonstrations while the prime minister was in town. The director of a television station for Vietnamese Americans that promotes religious and civil liberty in Vietnam, Nguyen fled the Communists in 1975 (she was evacuated by American airlift). "I don't fight for me, because I have freedom in America," she says. "I fight for 80 million people living in Vietnam. The Vietnamese Communists are terrorists. They used force to overcome the Republic of Vietnam—they took away the traditional country we learned from our history."

Her sentiment is hardly uncommon.

PUENTE INFORMATIVO

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Nguyen Tai Dam, the founder of a Vietnamese-American organization in northern California, organized a demonstration in San Francisco that he estimates around 200 people attended. "We have to fight for our brethren in Vietnam—to let their voices be heard to the free world." Dam was a lieutenant colonel in the Republic of Vietnam's armed forces during the war, and, like most officers in that army, he was imprisoned afterward by the Communists, in his case for ten years. "Without these protests and demonstrations in the U.S., I am sure that the Vietnamese government would oppress its people even more. And without these demonstrations on the outside, the people inside the country wouldn't have the courage to voice their concerns."

A group of Montagnards, a predominantly Christian tribal people who live in Vietnam's Central Highlands, also organized a demonstration during Khai's visit, along with fellow ethnic minorities the Hmong and Khmer Krom. Members of the three groups fought alongside American soldiers during the Vietnam War, and have suffered for it since. The fate of the Montagnards has been especially grim. Their population has reportedly declined significantly since 1975, perhaps by as much as half, even though the total Vietnamese population has exploded. In 2001, several thousand Montagnards held a series of peaceful demonstrations in response to the confiscation of their ancestral land and to crackdowns on their freedom to worship. The Vietnamese government met the demonstrators with force, injuring and arresting hundreds and prompting over a thousand more to flee to Cambodia. Ever since, Vietnam's Montagnards have been subject to increasing intimidation and violence, a fact that came to international attention during Easter of 2004, when security forces attacked demonstrators killing several—some say hundreds—and wounding many more.

The lack of religious liberty is widespread in Vietnam, despite some reported improvements in recent years. The banned Unified Buddhist Church of Vietnam, once the largest Buddhist organization in the country, has found its monks and members sentenced and monitored, and its top two leaders confined to their monasteries for years. Mennonite

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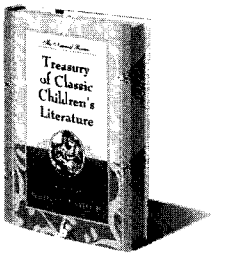

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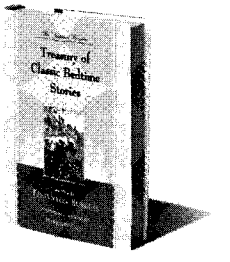

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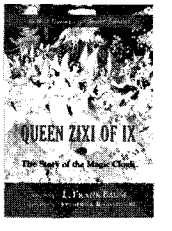

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Christians have been arrested, sentenced, and beaten. And the Hmong, hill tribes living in the north, have been pressured to renounce their Christian faith through monitoring, detention, torture, and sometimes fatal assaults. In fact, conditions are so bad that in 2004 the State Department designated Vietnam a "country of particular concern" (CPC) with regard to religious freedom.

According to Freedom House, the think tank that measures degrees of freedom around the globe, Vietnam is not quite as restrictive as North Korea but less free than Iran and Egypt. This year it received a seven, the worst possible score, in political rights and a six in civil liberties, making its average the same as that of China, Eritrea, and Uzbekistan. "Vietnam is similar to China in its policy of registration and treatment of non-registered groups," says Paul Marshall of Freedom House's Center for Religious Freedom, "but in Vietnam you get the additional factor of assaults on the Montagnards and Hmongs." Vietnam allows religious organizations to register with the government, but rather than promoting religious freedom such registration can curtail it, bringing the groups under Hanoi's control and creating what one observer pithily called "religions with socialist orientations." Open Doors, a Christian organization that each year ranks countries according to their levels of religious freedom, places Vietnam at number three, behind North Korea and Saudi Arabia, on its list of countries most hostile to Christianity.

Spurred in part by the CPC designation, U.S. ambassador for international religious freedom John Hanford reached an agreement on religious liberty with Hanoi on May 5 of this year. (Hanoi is clearly concerned about the CPC label, as the U.S. is now its number-one trading partner.) The exact details of the agreement have not been made public, so it's difficult to evaluate Hanoi's commitment. While twelve political prisoners were released shortly before the agreement was signed, several Vietnam-watchers say little if anything has changed since, and urge the United States not to reward Hanoi until it makes concrete improvements.

"We wouldn't mind seeing relations prosper," says Sereivuth Prak, a Khmer Krom who flew from California to attend the Washington rally. "But relations should not come at the expense of the people." Helen Ngo of the Committee for Religious Freedom in Vietnam, a group formed after the passage of the International Religious Freedom Act in 1998, says economic development is important for Vietnam, but right now "it just helps the high-ranking officers in the country. For a few people who live in the city, maybe they can get a little bit of benefit, but the people who live in the countryside cannot."

Washington, D.C., June 21, 2005

CHRIS KLEPONIS/REUTERS

Reports of improvement in human-rights conditions in Vietnam should also be taken with a grain of salt, some say. "Khai is a master of deception, a symbol of broken promises," says Penelope Faulkner of the Paris-based Action for Democracy in Vietnam, a human-rights group. In 2003, she says, "Khai made an incredible gesture by holding talks with the dissident leader of the Buddhist church in Hanoi. But just several months later he launched a very brutal crackdown against the Buddhist church." While Khai was talking trade, military ties, and religious freedom at the White House, the Unified Buddhist Church reported that a delegation of monks was intercepted and detained by security forces on their way to visit Thich Huyen Quang, the church's patriarch, at the monastery where he is under house arrest. "Vietnam has become very media savvy," says Faulkner. "Instead of organizing big trials, they do everything behind the scenes—this question of house arrest, isolating people, threatening them. It is happening every day, but there's no trace on paper."

Kok Ksor, the founder and president of the Montagnard group that demonstrated near the White House during Khai's meeting with Bush, says he wants the presence of international observers in the Central Highlands, where the Montagnards live, to force the Vietnamese government to think twice before further mistreating them. As it is, outside access to that area is limited, often leaving the authorities to behave as they wish.

Ksor's family history, as he tells it, sounds like the recent history of his people writ small: His father died in the Vietnam War; one brother fled to Cambodia only to be arrested and turned back to Vietnam; another was arrested and returned home blind. His octogenarian mother had three ribs broken by the police, he says, and is still threatened to give up her faith. "Someone asked me, How come your people believe in God?" Ksor answers, "This is why: When the French controlled Vietnam, we depended on the French to help us, yet they deserted us. During the Vietnam War, we depended on the Americans—they deserted us too. Now that we are in the hands of the enemy, who do you think we can turn to? The only one we can turn to right now is God."

And they can hardly do that, at least not openly. There are legitimate economic, military, and geopolitical arguments for U.S. ties with Vietnam. But as so many Vietnamese Americans reminded President Bush last month with their protests, greater benefits should be offered Hanoi only when they are met with internal reforms. The U.S. has plenty of leverage on this issue. There is therefore no reason for the Bush administration, so concerned with the spread of liberty, to allow the United States to again fail its freedom-hungry allies in Vietnam. **NR**

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A Demilitarized Palestinian State

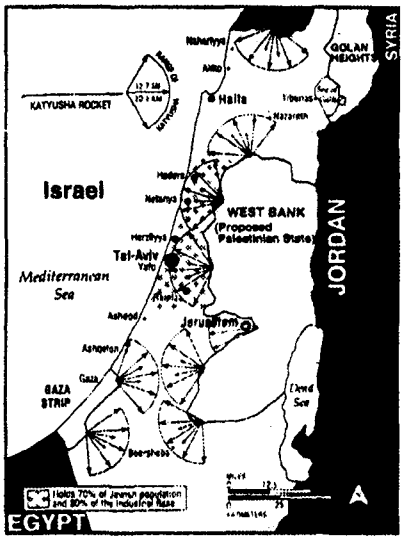
Should Israel, should the world, rely on it?

To most people, the establishment of a Palestinian state seems to be the indispensable outcome of the decades-long attempt to settle the Arab/Israel conflict. Such an outcome might be desirable between two countries that could live side-by-side in peace with each other. The Arabs, however, have never changed their position and are sworn to destroy the Jewish state.

What are the facts?

Israel threatened by enemies. Israel is a very small country. Including the Golan and the "West Bank," it is only one-half the size of San Bernardino County in California. Israel has for some time been in a "cold peace" with Egypt and with Jordan. Other Arab states are still in a declared or undeclared state of war with Israel. Iran, Moslem though not Arab, is the most determined and deadly of them all. It lurks in the background, its foremost military and political objective being the destruction of the state of Israel.

The Palestinian Authority (PA), the successor of the murderous PLO, has not abandoned its core objective, namely to kill the Jews and to destroy the State of Israel. While the latter objective is until now beyond its reach, it has been most successful in the former. Over 1,000 Jews have been killed so far in the murderous intifada and countless thousands have been grievously wounded. It seems almost incomprehensible that the supposedly level-headed men who are the government of Israel would be trustful of such people and, under whatever pressure from "the international community," would countenance the establishment of a Palestinian state on its border. Despite statements to the contrary, the PLO (and its successor PA) have still not complied with one of Israel's main requirements, namely that it abrogate the clauses in their covenant that call for the destruction of Israel. Abu Mazen, though better tailored, better barbered and better spoken than his thuggish predecessor still pursues the old goal of destroying Israel in "stages" – first by creating a Palestinian state, from which an allied all-out assault against the critically vulnerable Jewish state can be launched and then, hopefully, the deathblow delivered.



A Palestinian state-demilitarized?

The myth of demilitarization. The assumption that "Palestine" would be demilitarized is not tenable. The Arab nations would not allow it, even in the most unlikely case that the Palestinians themselves so desired. Also, the Palestinian entity would have thousands of trained soldiers, camouflaged as police. They could be helicoptered in minutes to positions on the border with Israel, with armored forces from Syria reaching them within the same night. But such mobilization of the "demilitarized" Palestine would not be required. The weapons of preference of Arab terrorists are the Soviet-made Katyushahs, highly effective missiles, truck-mounted and mobile, ideal for hit-and-run raids against Israel. Israel could not prevent them from flooding Palestine. A look at the map makes clear that these rockets, short-range though they may be, would dominate the heartland of Israel. Easily moved and hidden along Israel's new eastern borders – to be increased from less than 40 miles in length to over 200 miles – these Katyushah rockets would rain destruction over most of Israel. They would cover in their entirety Israel's narrow waist that holds 70% of the Jewish population of the country, 70% of its industrial base, its only international airport, and its most important military installations.

The Arabs who live in Judea/Samaria (the "West Bank") danced on the roofs of their homes when Iraqi Scud missiles fell on Tel Aviv during the first Gulf War. They have continued to engage in unremitting terror and murder against the Jews. Only incurable optimists can believe that an "autonomous" Palestine would become a peaceful neighbor of Israel. Foolishly, Israel has now ceded the Gaza Strip – the invasion route since before biblical times – with Judea/Samaria (the "West Bank") perhaps not too far behind. With Gaza and Judea/Samaria in the hands of its implacable and sworn enemies, it would make the country indefensible and Israel would have laid the groundwork for its own destruction.

Tanks, warplanes, and missiles would only be needed for the final mopping-up process. In the meantime, mortars and Katyushahs located on the Judean ridges – Israel's proposed new borders – would suffice to paralyze life and industrial and military activity in Israel. But one can hope that the leaders of Israel clearly understand this danger and that they will ultimately not make concessions that will endanger the security of their country.

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■ COVER STORY

Sugar Daddies

How sugar interests rip off America and harm the national interest

JASON LEE STEORTS

In a hall of fame for corporate-welfare queens, the sugar industry would occupy a place of special honor. For decades, powerful sugar growers have gotten politicians to enrich them with a protectionist scheme that inflates domestic sugar prices to the detriment of American consumers, American manufacturers, American farmers, and the American economy as a whole. In that congeries of absurdities known as U.S. farm policy, sugar's sweet deal stands out as perhaps the most damaging and least defensible program. Now, more than ever, it needs to be scrapped.

The program allows sugar processors to take out loans from the USDA by pledging sugar as collateral. The loan rates—18 cents per pound for cane sugar, 22.9 cents per pound for beet sugar—are significantly higher than average world sugar prices. These loans must be repaid within nine months, but processors also have the option of forfeiting their sugar to the government in lieu of repaying their debt.

This arrangement effectively guarantees that the processors receive a price for their sugar that is no lower than the loan value: If prices fell below that level, they would simply forfeit their sugar and keep the government's money. In order to avoid that scenario, the USDA must prop up the domestic price of sugar. It does this by controlling supply through two mechanisms. First, it sets quotas on how much foreign sugar can be imported without facing prohibitive tariffs; second, it regulates the amount of sugar that domestic processors can sell.

The consequence is that sugar in the U.S. has, over the past decade, cost two to three times the average world price. The sugar industry likes to point out that the program requires no government outlays, since processors repay their loans each year (assuming the government keeps sugar prices sufficiently high). This argument is sound if one regards the sugar program as a question of federal bookkeeping, but that is only because, in this case, the government does an uncharacteristically efficient job of plundering taxpayers to pay off a special interest: It simply cuts itself out as middleman. Each time you buy sugar or a product made with sugar, the difference between the price you pay and the lower price you would pay absent the sugar program's dirigisme can be thought of as a sugar tax. Unlike most taxes, this tax never finds its way to government accounts. Instead, it passes directly from your pocket to the sugar industry's profit statements.

A GAO study found that, between 1989 and 1991, the sugar tax cost American consumers an average of $1.4 billion per year. By 1998, that number had risen to $1.9 billion. Other costs are borne by manufacturers who use sugar as an input. Faced with high domestic prices, some confectioners have moved to countries without sugar price supports, such as Canada. Others have simply shut down. A study commissioned by the Sweetener Users Association found that between 7,500 and 10,000 jobs were lost from 1997 to 2003 as a result of high sugar prices. Seven thousand candy-making jobs have been lost in Chicago alone over the past decade. If opportunity costs are taken into account, those numbers certainly underestimate the sugar program's impact on employment: Without the program, resources currently devoted to sugar production would shift to more efficient sectors of the economy and create new jobs.

The sugar program is a case study in how small, concentrated interests can trump larger but more diffuse ones. By any measure, the U.S. sugar industry is minuscule. It employs only 62,000 peo-

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ple and comprises less than 0.5 percent of U.S. farms. But because it profits so richly from the current protectionist scheme, it has a powerful incentive to keep that scheme in place.

It does so by donating extravagantly to political candidates. One lobbyist who works with trade issues says, "[The sugar industry] is collecting monopoly rents. Any industry in a position of collecting monopoly rents will spend back a significant portion of those rents to maintain those monopolies." Although sugar accounts for just 1 percent of U.S. farm receipts, 17 percent of all campaign contributions from the agricultural sector between 1990 and 2004 came from the sugar lobby.

Perhaps no political investment has brought a higher return. The GAO report found that sugar producers gain around $1 billion a year from the artificially high prices that the sugar program guarantees. Some growers have gotten exceedingly rich—most notably the Fanjul brothers of Florida, who are worth hundreds of millions of dollars, and whose cane-growing company Flo-Sun contributed $573,000 to candidates in the last elections. The Fanjuls befriend politicians with bipartisan pragmatism. José Fanjul donates generously to Republican campaigns; Alfonso is a lifelong Democrat whose clout is so great that Bill Clinton once interrupted a meeting with Monica Lewinsky to take his phone call.

Apart from large cane growers like the Fanjuls and their rival, U.S. Sugar Corp., the sugar lobby is dominated by consortia of sugar-beet farmers in the upper Midwest. Individually, these farmers are small, but they are highly organized and can bring enormous pressure to bear on the politicians who represent them. The single largest sugar donor in the 2004 elections, with total contributions of $851,000, was American Crystal, a sugar-beet cooperative in the Red River Valley of North Dakota and Minnesota.

CONTRA CAFTA

Nowhere does the sugar lobby pursue its interests more ferociously than in debates on free trade. Having successfully lobbied the Bush administration to exclude sugar from the recently ratified free-trade agreement with Australia, sugar producers are now determined to kill the Central American Free Trade Agreement, on which Congress will vote sometime this summer.

CAFTA, which would eliminate most trade barriers between the U.S. and Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic, is, if anything, embarrassingly deferential toward the sugar lobby. After its full implementation over a 15-year period, it would allow participating states to increase their sugar exports to the U.S. by only 1.7 percent of current U.S. sugar production. The sugar industry is nevertheless intransigently opposed to the pact, and has rejected every suggested compromise.

If the sugar lobby derails CAFTA, its success will, once again, represent the triumph of the few at the expense of the many. CAFTA would bring modest but not insignificant economic gains to both the U.S. and Central America. Perhaps more important, it would advance efforts to create a Free Trade Area of the Americas, and would strengthen the Central American middle class while making the economic and legal systems of participating states more open and transparent. This, in turn, would shore up democracy in the region at a time when Daniel Ortega has resurged as a destructive force in Nicaragua and the anti-democratic message of Venezuela's Hugo Chávez gains ever-wider currency throughout Latin America.

These advantages notwithstanding, it would be understandable for a legislator to oppose CAFTA in the sincere belief that it would be, on balance, bad for his state. What is remarkable is that the sugar industry has won "no" votes from legislators whose constituencies would clearly benefit from CAFTA.

Among U.S. states, the top two exporters to the CAFTA region are Florida and Louisiana, at number one and number two, respectively. A study by James A. Richardson of Louisiana State University estimates that, after one year, CAFTA could boost Louisiana's sales in all industries by $339 million and create 2,769 new jobs. The U.S. Chamber of Commerce predicts that, in the same time, CAFTA would increase Florida's sales by $985 million and create 7,008 new jobs; after nine years, those numbers would rise to $5.2 billion and 36,982. CAFTA would be widely beneficial not only to manufacturing concerns in Florida and Louisiana, but also to agricultural interests, of which sugar is but a small part. The sugar industry comprises 2.4 percent of Louisiana's farms and 16.5 percent of its farm income; in Florida, it comprises 0.3 percent of farms and 8.7 percent of farm income. Yet the sugar lobby has somehow overridden all competing interests, with the result that almost no one from the congressional delegations of Louisiana and Florida is supporting CAFTA. (The heroic—or simply rational?—exceptions are Reps. Jim McCrery and William Jefferson in Louisiana, and, in Florida, Reps. Katherine Harris, Ileana Ros-Lehtinen, and E. Clay Shaw Jr.)

If the sugar lobby derails CAFTA, its success will, once again, represent the triumph of the few at the expense of the many.

It is deeply exasperating that a tiny sector on which CAFTA's effect would be almost negligible is within striking distance of scuttling the agreement. The obstinacy of sugar producers looks especially unreasonable when one considers that protectionism has increased their share of the domestic market from 55 percent in the late 1970s to 89 percent in 2002, and when one notes that population growth over the next decade is likely to increase demand for sugar, thereby offsetting any lost income to the industry.

Seen from another perspective, however, the sugar lobby's alarm is understandable. Owing to a trade dispute, Mexico does not export as much sugar to the U.S. as is allowed under NAFTA. A resolution of that dispute—along with the complete elimination

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in 2008 of tariffs on Mexican sugar imports—could put U.S. producers under intense pressure from their competitors south of the Rio Grande. And while the sugar provisions in CAFTA might not amount to much, ratification of the pact would set the precedent that sugar is not off the table in future trade negotiations. With the Bush administration moving forward on talks with Thailand, Colombia, and South Africa—sugar producers all—the domestic sugar industry is probably right to suspect that the end draws nigh.

What the industry's instinct for self-preservation will not allow it to acknowledge is that this is precisely as it should be. The United States has no reason to grow sugar, and every reason not to. It is a simple question of comparative advantage, as Dennis Avery, a former agriculture analyst for the Department of State, explains: "Yields of sugar in the tropics are twice as high and the costs half as high as growing sugar in temperate regions." The U.S. sugar program thus defies both nature and economics; in guaranteeing an artificially high price for sugar, it encourages American farmers to plant sugar instead of crops they could grow more efficiently. Ending the domestic sugar program would require them to switch to the crops they should have been growing all along.

While liberalizing world farm trade would probably put a stop to domestic sugar production, it would also, according to Avery, mean that U.S. farmers who now grow sugar beets "could sell wheat to China and India, and make far more money than they do from this sugar." Cane growers in Florida and Louisiana would have a somewhat harder time of it, since little else could grow on their lands. In the case of the Fanjuls, one is consoled by the thought that they won't find themselves on welfare rolls any time soon. Smaller farmers could be compensated for their loss, and their transition eased by a gradual phase-out of the sugar program.

The benefits of ending domestic sugar production would not be merely economic; Avery sees liberalized farm trade as "both the leading environmental issue and the leading trade issue in the world." Given long-term population trends, countries will have to specialize in crops for which they have a comparative advantage—or else undertake policies with disastrous environmental consequences. "We're headed for a world in which we're going to feed not 6.3 billion people, but close to 9 billion; and instead of a billion people affording high-quality diets, we'll probably have 7 billion," Avery says. "We'll need nearly three times as much farm output worldwide. So instead of clearing the world's remaining 16 million square miles of forest [for agriculture], we need to triple yields on land we're already using. That means getting higher sugar yields in Brazil, and higher grain and oil-seed yields in the Red River Valley."

HOW TO LOBBY BACK

No matter what advantages would issue from the elimination of the sugar program, domestic producers will not acquiesce in the removal of their government-mandated profit margins. What is needed, then, is a more effective opposition to the sugar lobby.

While such an opposition would lack the organizational advantage of representing highly concentrated interests, it could exploit the fact that discontent with the sugar program transcends traditional political divides. A coalition to oppose the sugar lobby could draw support from free-trade advocates on the right, manufacturing and agricultural interests that stand to benefit from trade liberalization, and consumer groups that object to high sugar prices. On the left, many environmentalists favor farm-trade liberalization for the reasons discussed above, and are opposed to sugarcane farming in Florida because of the damage it inflicts on the Everglades. Groups concerned with the elimination of global poverty, such as Oxfam, are quick to point out that the U.S. sugar program, along with European export subsidies for sugar-beet growers, depresses world sugar prices and keeps cane-growing tropical nations poorer than they need to be.

As WTO members move toward final agreement on the Doha round of trade-liberalization talks, protectionist schemes for sugar and other crops will grow ever harder to defend. The EU has just announced a plan to cut its sugar subsidies by 39 percent; to the degree that its member states consent in liberalizing their sugar industries, pressure for U.S. reform will increase. Meanwhile, the sugar industry's opposition to CAFTA has alienated agricultural lobbies traditionally sympathetic to sugar growers. Many such groups suspect that the exemption of sugar from the Australian free-trade agreement resulted in their getting fewer concessions in that pact than they otherwise would have won. John Frydenlund of Citizens Against Government Waste says, "There always has been a circle-the-wagons attitude in agriculture as far as protecting each other is concerned, but I think this time most of the rest of agriculture is starting to look at the sugar lobby as being off the reservation and out only for themselves." Such frustration already appears to be influencing politicians. Trent Lott, expressing his annoyance with the sugar industry, recently said, "I've been in the unholy agricultural alliance for 33 years. I've voted for every damned ridiculous agricultural program and subsidy conceived by the minds of men. But I may not anymore."

> Ending the domestic sugar program would require farmers to switch to the crops they should have been growing all along.

The real test will come in 2007, when the next farm bill is negotiated. Reformers should seek nothing less than the total dismantling of the sugar program. To achieve that end, they must begin moving public opinion in their favor now. Their case shouldn't be too hard to make. They can simply ask Americans what reason there is to continue a policy that hurts consumers, costs jobs, harms the environment, sabotages U.S. trade relations—all to line the pockets of farmers who cannot survive in a competitive market. One suspects a solid majority will reply that there is no good reason at all. **NR**

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■ EUROPE

The Islamic Republic of Holland

How one nation deals with a revolutionary problem

JOHN O'SULLIVAN

Rotterdam

JUST days before the Dutch referendum on the proposed European constitution, a local political sociologist forecast a victory for the Noes. People were likely to reject Euro-initiatives, he argued, when they were angry about immigration, pessimistic about the economy, and hostile to the current government. All three factors were present in Holland. So . . .

As it happened, the Noes did more than prevail; they won in a two-to-one landslide. It was a result that shocked the Dutch establishment, which had almost unanimously backed the constitution. The Euro-establishment across the continent, equally thunderstruck, has argued in mitigation that the Dutch voters did not really know what they were doing: They were not rejecting Europe but reacting to local political discontents.

At first glance the sociologist's prediction might seem to support this defense. A closer look, however, suggests that the Dutch were following a deep social instinct: They sensed that "Europe" was somehow connected to their other discontents, and were striking the only blow available to them. What links the EU constitution to anti-government sentiment, immigration, and economic pessimism is voter anger with elite-driven politics. European integration is generally admitted to be an elite project—the current cant phrase that it needs to be better "explained" to the masses makes that embarrassingly clear. High levels of (mainly Muslim) immigration and accompanying policies of multiculturalism are similarly regarded by elites as necessary steps towards a more diverse society.

Most ordinary Dutch people were either opposed to or apathetic towards these social experiments. But the major parties favored them and the media preached them. That left voters with no obvious avenues of protest. And the issues did not intrude on their lives to the extent of rousing them to rebellion—until two atrocities occurred. Pim Fortuyn, the gay libertarian leader of a quirky anti-immigration party, was murdered by an assailant who cited Fortuyn's opposition to large-scale Muslim immigration as his justification. Next, filmmaker Theo van Gogh was murdered by a Muslim extremist who objected to a film he had made attacking Islam for its hostility to women's rights. These two murders sharpened the sense of many Dutch people that their country was being transformed in ways they disliked—and also made them unsafe.

FINGERS IN THE DIKE

Not only conservatives and traditionalists felt these fears. Liberals, feminists, and libertarians like Fortuyn who prized the tolerance, sexual equality, and libertinism of Dutch society were also made nervous. Unpolitical Dutch people voted with their feet. There had long been a "white flight" from schools and urban neighborhoods with large numbers of immigrants; now the Dutch began to emigrate in large numbers abroad.

The political effects of this pessimism were dramatic. The Fortuyn party made major gains in successive elections; the establishment conservative and liberal parties adopted many of its policies; and when the Euro-referendum came along, the Dutch voted no. They were rejecting two things—a constitution that transferred many more powers, including immigration control, from the Dutch parliament to the impenetrable committees of the EU, and a style of bureaucratic politics that was haughtily undemocratic and deaf to their concerns. Those concerns can be very simply summarized: How do we deal with a large and growing Muslim minority that contains Islamists who hate Dutch society and are prepared to use violence against it—and therefore us? Dutch Muslims, for their part, have concerns rooted in the same situation: How do *we* deal with the fact that we are distrusted and discriminated against by our neighbors because of the actions of a minority of radical hotheads?

The facts underlying these questions are relatively straightforward. Holland's Muslims account for about 15 percent of its population. In cities such as Rotterdam, where immigrants have tended to congregate, the Muslim proportion is about one-third of the local population. And these percentages are rising. Estimates of the number of (generally young male) Muslims who are actively sympathetic to Islamism are inevitably more speculative. The usual guess is that 15 percent of the Muslim population is sympathetic to Islamism and a much smaller percentage, say 4 percent, actively so. In a growing immigrant population, however, these low percentages translate into quite large numbers of potential terrorists.

What makes these possibilities so unsettling to the law-abiding Dutch is that the law is ill-equipped to deal with the threat. In 2003, Dutch intelligence discovered ties between a group of 40 to 50 North African radicals in Holland and a terrorist network that had carried out the Casablanca bombings of that year. (Some were arrested, but because intelligence evidence is not permitted in Dutch courts, they had to be released.) One of the group was Mohammed Bouyeri, who subsequently murdered van Gogh.

The Dutch public was particularly alarmed by this case because, outwardly, Bouyeri seemed a model of assimilation and acceptance. If he was a jihadist, anyone might be. A subsequent poll showed that 40 percent of Dutch respondents "hoped" that Muslims would no longer feel at home in Holland. There have accordingly been a few attacks by Dutch hooligans on mosques. With each such incident Muslims feel anxieties not dissimilar to those of their Protestant neighbors. Before long, nobody feels safe.

Dutch governing authorities, being Dutch, have reacted to these various threats with a mixture of moderation and social engineering slightly tilted in favor of the Muslims. Thus, when an imam complained about the graffito *Thou Shalt Not Kill* painted near a mosque not long after van Gogh's murder, Dutch police sent in city workers to sandblast the graffito off. The police subsequently apologized. Still, it had been the instinctive reaction of a politically correct police force to prefer artistic censorship to offending a minority.

I saw some of this recently when I visited Rotterdam as part of a conference examining Muslim immigration into Europe, jointly

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organized by the New Atlantic Initiative and the Edmund Burke Foundation. Rotterdam authorities have sought to overcome the "us and them" mentality that divides their city ethnically and religiously by fostering mixed neighborhoods, supporting responsible mosques, and holding open public debates with ordinary citizens from both communities on how the city can improve community relations. The proposals that emerged were all highly reasonable. But it is noticeable that actions to soothe Muslim concerns—such actions as the promotion of cultural diversity and the enactment of anti-discrimination rules—were higher priorities than those aimed at mollifying the native-born, such as making Dutch the language used by all in public.

A MUSLIM DUTCHMAN

In Rotterdam, officials denied that "assimilation" was their aim; what they sought was "cultural integration." But this distinction turns on a misunderstanding of "assimilation" as it is understood in the U.S. They seemed to suggest that asking Muslims to assimilate would be almost like asking them to convert to Protestant Christianity. That would indeed be unreasonable—and futile. But is Protestantism an essential part of Dutchness? Many Dutch natives manage to be loyal citizens without being observant Protestants. Dutch identity is now primarily cultural, historical, and political rather than religious, so there should be no explicitly religious barrier to the concept of a Muslim Dutchman. In these circumstances, assimilation and cultural integration amount to much the same thing.

That does not mean to say, however, that there are no genuine obstacles to Muslim adoption of a Dutch identity. The first is the nature of the Muslim identity itself—which is cohesive, strong, and resistant to assimilation. Not just in Holland but throughout Europe, Muslims form strong communities built around mosques with their own "self-help" social institutions. These bodies are highly effective and guide new arrivals to find work, accommodation, financial assistance, and other services. Their efforts help explain why poor Muslim laborers often own their homes outright; they also ensure, however, that new immigrants remain in a Muslim environment and participate only marginally in the rest of society.

If the values inculcated and reinforced by that Muslim environment are the same as those of the host society, then assimilation will probably occur in time, albeit slowly. But if they differ sharply, then the Muslim communities will reject an assimilated national identity more or less indefinitely. Islamism is the extreme version of such a rejection. In Holland, this problem centers on the rights of women and homosexuals. Does Islam accord women and gays those equal rights that are among the values of the Dutch state? There are currently disputes within Islam on this point, at least in Western countries. Dutch officials are nudging Islamic representatives to reach the right liberal conclusion. Rotterdam, for instance, is quietly pressing self-help organizations to put women on their boards. But it is far from certain that this obstacle to assimilation will soon be removed.

The second obstacle is the weakness of Dutch identity. Several Dutch speakers at the aforementioned conference blamed their problems on an earlier failure to treat immigrants well; they contrasted this regretfully with America's traditional policy of welcoming new arrivals. But that is not quite correct: Immigrants to the U.S. were welcomed at some times and given a hostile reception at others. What was more important in ensuring their assimilation was the strong appeal of the American identity. Immigrants *wanted* to be American and overcame many obstacles to become so. To use today's jargon, America was a strong brand image.

Even if Holland cannot quite match that, it is a beautiful country; the Dutch are a fine, decent, and democratic people; and they have great historical achievements to their credit, from pioneering capitalism to resisting the Nazis. Their present national identity is weak, in both their own eyes and those of immigrants, only because it has been artificially undermined by government in order to advance multiculturalism and European integration. National pride in Holland has been disparaged in order to ease the path of immigrants into society—but that has had the paradoxical effect of making those immigrants less likely to identify with a society that lacks confidence in itself. If the Dutch want to assimilate Muslims more effectively, they would make a good start by recovering their own identity from Brussels and boasting about how they drove the Kings of Spain from their homeland.

A final obstacle to assimilation is continuing high levels of immigration. As is now generally accepted, these tend to reinforce ghettoization, alarm the native-born, and thus obstruct assimilation from both ends. Restrictionist measures have been proposed since van Gogh's murder, but they are vulnerable to legal and political pressures. And these pressures in turn are fueled by the belief of European elites that their declining populations need large infusions of immigration to avert the collapse of their economies and welfare states.

Europe does indeed have a demographic problem. But the distinguished demographers at the conference—including Joseph Chamie, the former chief demographer of the U.N.—pointed to a number of facts arguing against the elites' alarmism. Europe's projected decline in population is actually rather moderate; it would, for instance, not reduce Spain even to its 1950s population level (not then seen as too low). Living in a country with a stable or declining population would be a quieter life but not necessarily unpleasant. Problems of overcrowding, congestion, and environmental overload would be ameliorated. There is no evidence that larger countries tend to be wealthier—if anything, the reverse. We would need to make major transfers of resources from some purposes—e.g., schools and infrastructure—to others, such as hospitals and social benefits. But such adaptation would make more sense than seeking to maintain the existing ratio of workers to dependents through immigration. Not only would that mean wholly unsustainable levels of immigration—the EU would need to increase its population level to that of India and China combined by 2050 to maintain the "support ratio"—but it would merely postpone the problem to the next generation.

In other words, immigration is not economically necessary in Europe. Hence it can be prudently reduced in order to promote other objects such as Muslim assimilation. That is plainly what the Dutch would like. To get it, however, they may need to seize power back from the multicultural elites of The Hague and Brussels. **NR**

ROMAN GENN

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■ THE LAW

The Bad Decision That Started It All

Griswold at 40

ROBERT P. GEORGE &
DAVID L. TUBBS

FORTY years ago, in *Griswold* v. *Connecticut*, the Supreme Court of the United States struck down state laws forbidding the sale, distribution, and use of contraceptives on the basis of a novel constitutional doctrine known as the "right to marital privacy."

At the time, the decision appeared to be harmless. After all, *Griswold* simply allowed married couples to decide whether to use contraceptives. But the Supreme Court soon transformed the "right to privacy" (the reference to marriage quickly disappeared) into a powerful tool for making public policy. In *Eisenstadt* v. *Baird* (1972), the Court changed a right of *spouses*—justified in *Griswold* precisely by reference to the importance of marriage—into a right of *unmarried* adults to buy and use contraceptives. Then, in a move that plunged the United States into a "culture war," the Court ruled in *Roe* v. *Wade* and *Doe* v. *Bolton* (1973) that this generalized "right to privacy" also encompassed a woman's virtually unrestricted right to have an abortion.

No one doubts that there are true privacy rights in the Constitution, especially in the Fourth Amendment, which protects against unreasonable searches and seizures and ensures that warrants issue only upon a showing of probable cause that a crime has been committed. (Indeed, these rights prevented any kind of aggressive enforcement of the laws struck down in *Griswold*.) But the justices in *Griswold* produced a non-text-based and generalized right. "Privacy" functioned as a euphemism for immunity from those public-morals laws deemed by the justices to reflect benighted moral views.

The privacy decisions that sprang from *Griswold* have been widely criticized, and in the last 20 years there have been two notable efforts to silence and stigmatize that criticism. The first occurred in 1987, when a coalition of liberal interest groups helped to scotch Judge Robert Bork's nomination to the Supreme Court, partly because of Bork's misgivings about this novel doctrine. The second occurred in 1992, when the Supreme Court decided *Planned Parenthood* v. *Casey*, which reaffirmed the "central holding" of *Roe* v. *Wade*.

Mr. George is a professor of jurisprudence and director of the James Madison Program in American Ideals and Institutions at Princeton. Mr. Tubbs is a fellow at the Witherspoon Institute. In the fall, he will be an assistant professor of political science at King's College in New York City.

Neither of these efforts succeeded. To this day, millions of Americans cannot accept *Roe* v. *Wade* as constitutionally legitimate. And thanks to recent developments, public suspicion of the Court's "privacy" doctrine is now greater than ever.

Two years ago, in *Lawrence* v. *Texas*, the Supreme Court pushed the doctrine into new territory by overruling *Bowers* v. *Hardwick* (1986), a decision that had upheld a state's authority to prohibit homosexual sodomy. But in *Lawrence*, Justice Anthony Kennedy provocatively remarked that *Bowers* was wrong the day it was decided. Criticism of the ruling in *Lawrence* intensified a few months later when the supreme judicial court of Massachusetts promulgated a right to same-sex marriage in that state. In *Goodridge* v. *Department of Public Health* (2003), the court cited *Lawrence* to support this newly minted right. It evidently mattered little to these judges that the majority opinion in *Lawrence* expressly denied that the case involved the issue of marriage.

As the courts push the "privacy" doctrine further and further, public criticism keeps pace. *Griswold*, however, has received little attention. Even harsh critics of *Roe* and *Lawrence* are loath to say that *Griswold* was wrongly decided. Most of those who worry about the judicial abuse of the right to privacy do not want or expect the Supreme Court to revisit the case. Yet the cogency of any serious critique of "privacy" may depend on the willingness to reexamine the roots of the doctrine in *Griswold*.

Consider abortion. Conceding the correctness of *Griswold* gives a huge advantage to the defenders of *Roe* and *Casey*. They benefit because so many influential jurists and scholars say that the "inner logic" of the contraception cases must yield something like *Roe*. Outsiders may regard this argument with skepticism, but its purpose is clear: It tries to smooth the road from *Griswold* to *Eisenstadt* to *Roe*—and beyond.

But one point is rarely mentioned. Even though *Griswold* was less consequential than *Roe*, the two cases suffer from similar flaws. The many shortcomings of *Griswold* are less well known, because the case is enveloped in myths.

In American law schools, decisions such as *Roe, Casey*, and *Lawrence* are widely praised—not because of their legal merits (which are dubious), but because they comport with the ideology of "lifestyle liberalism" that enjoys hegemony there. Consequently, since 1973 most legal scholars have had no incentive to reassess *Griswold*. But if *Griswold* was wrongly decided, *Roe*—intellectually shaky on any account—loses even the meager jurisprudential support on which it rests.

The lack of scholarly engagement with *Griswold* partly explains the myths now surrounding it. Exposing those myths further undermines the arguments for a generalized right to privacy.

Myth #1: The Connecticut laws were "purposeless restraints," serving no social interest.

Supreme Court justice David Souter is one of several jurists to make this assertion. The confusion arises from *Griswold*, whose majority opinion nowhere identifies a legislative purpose.

For anyone who cares to look, the purposes of the laws are apparent in the record of the case: Connecticut sought to promote marital fidelity and stable families by discouraging attempts to avoid the possible consequences of non-marital sexual relations through the use of contraceptives. Prominent judges in Connecticut recognized the legitimacy of these purposes, and the state's supreme court

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upheld the laws against several constitutional challenges from 1940 to 1964.

Did Connecticut's policy go too far in its efforts to promote marital fidelity? Many thought so. But roughly 30 states regulated contraceptives in the early 1960s, and the uniqueness of Connecticut's statutory scheme was long recognized as its constitutional prerogative.

Myth #2: The decision in Griswold *rested on some overarching or time-honored constitutional principle.*

Ostensibly, that principle was "privacy." But the *Griswold* doctrine would have been unrecognizable to the Supreme Court even a few years earlier. In *Gardner* v. *Massachusetts* (1938), for example, the Court dismissed a similar challenge, noting that the suit failed to present "a substantial federal question."

In the majority opinion in *Griswold*, Justice William O. Douglas referred—as comically metaphysical as it sounds—to "penumbras formed by emanations" of specific constitutional guarantees as the source of the new right. He had nothing else to go on.

Other jurists have since argued that the right to marital privacy could be derived from cases before 1965 involving the rights of parents to direct the upbringing of their children. But the cases they cite have little in common with *Griswold*.

the desirability or justice of a policy and the state's constitutional authority to enact it lost much of its currency as the right to privacy expanded.

Myth #4: The legislation invalidated in Griswold *might be widely used again if the case was overturned.*

This line was often repeated in 1987 when Robert Bork was nominated to the Supreme Court. Meant to frighten ordinary citizens who approve of contraceptive use, this scenario simply fails to acknowledge changes in public opinion since 1965. Laws like those struck down in *Griswold* clearly have little chance of passing today even in the most conservative states.

Myth #5: The widespread use of contraceptives in the United States today provides a post hoc justification for Griswold.

When *Griswold* was decided, adults could buy and use contraceptives in almost every state (despite various regulations on their sale and distribution). Given the social ferment of the 1960s and '70s, the Connecticut policy would sooner or later have been modified. But the ubiquity of contraceptives in America today does not justify *Griswold*—any more than the widespread use of abortion justifies *Roe*.

It might seem fanciful to say that the idea of a generalized con-

What, then, was the operative 'principle' in *Griswold*? Nothing other than the Court's desire to place its imprimatur on 'enlightened' views about human sexuality.

What, then, was the operative "principle" in *Griswold*? Nothing other than the Court's desire to place its imprimatur on "enlightened" views about human sexuality. This project continued beyond *Griswold* and culminated in *Lawrence*, where the Court essentially said that all adults in America have a right to engage in consenting, non-marital sexual relations. Consistently missing from the Court's discourse on privacy, however, has been any discussion of parental duties, public health, and the welfare of children.

Myth #3: No sensible jurist or commentator would say that the case was wrongly decided.

In fact, two widely respected and sensible jurists, Justices Hugo Black and Potter Stewart, dissented in *Griswold*. Black was a noted liberal and, like Stewart, recorded his opposition to Connecticut's policy as a political matter. Yet both jurists insisted that the policy was a valid exercise of the state's power to promote public health, safety, and morals.

To Justices Black and Stewart, the "right to privacy" cloaked a naked policy preference. Justices in the majority were, without constitutional warrant, substituting their own judgments for those of the elected representatives in Connecticut. This, according to jurists across the political spectrum, is precisely what had brought shame on the Court during the "Lochner era," from roughly 1890 to 1937, when in the name of an unwritten "liberty of contract" the justices invalidated state social-welfare and worker-protection laws. But the crucial distinction underscored by Black and Stewart between

ROMAN GENN

stitutional right to "privacy" could now be repudiated; many believe that it has become an integral part of American law. But no one should accept this conclusion. The struggle against usurpations by the Supreme Court committed under the pretext of giving effect to unwritten constitutional rights has a historical precedent. As noted, from roughly 1890 to 1937, the Supreme Court invalidated worker-protection and social-welfare legislation on the basis of an unenumerated right to "liberty of contract." After much criticism, the Court relented and in 1937 announced that it would defer to legislative judgment where policies did not run afoul of constitutional principles. They promised, in short, to halt the practice of reading into the Constitution their own personal judgments about social and economic policy and the morality of economic relations.

The Supreme Court will not revisit the question of state or federal laws banning contraceptives. Yet the Court can and should find an occasion to admit that the manipulation of constitutional law that began with *Griswold* has been a colossal mistake. Such an admission would hardly be radical or, as we have observed, unprecedented. The Court's confession of error in repudiating its *Griswold* jurisprudence, far from harming its reputation, would enhance its prestige. We have no doubt that the same good effect would redound to the Court if the justices were candidly to speak the truth: The idea of a generalized right to privacy floating in penumbras formed by emanations was a pure judicial invention—one designed to license the judicial usurpation of democratic legislative authority. **NR**

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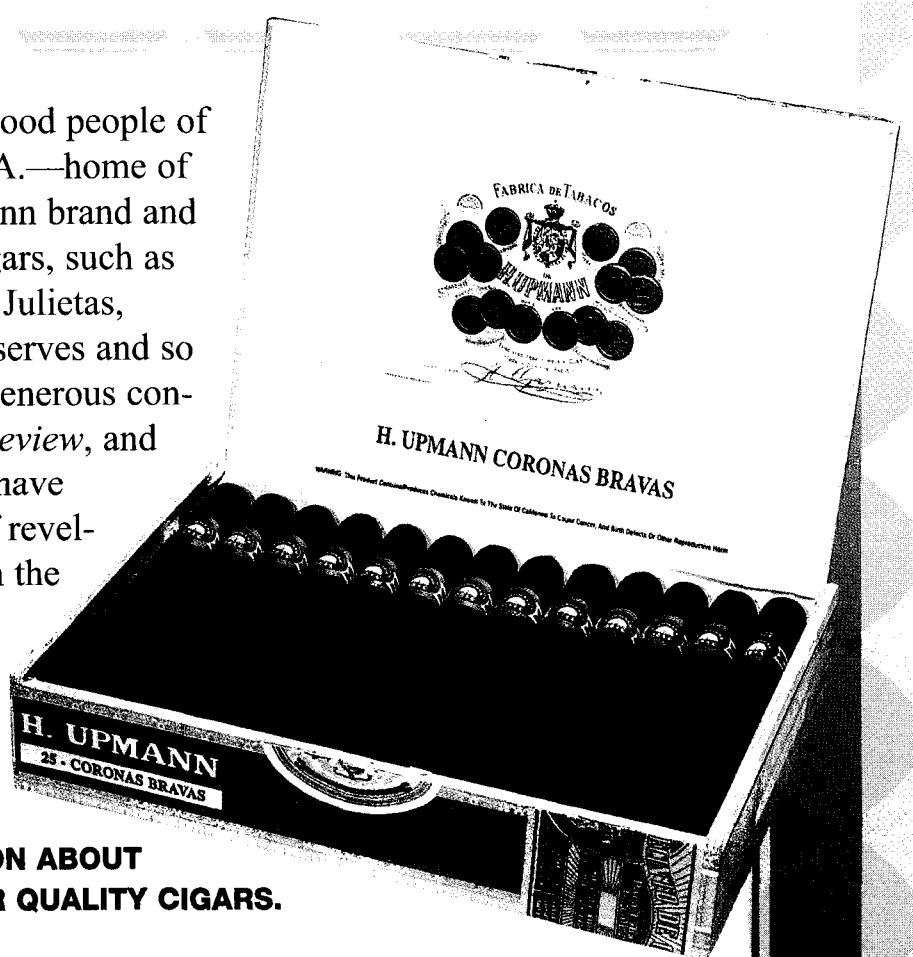

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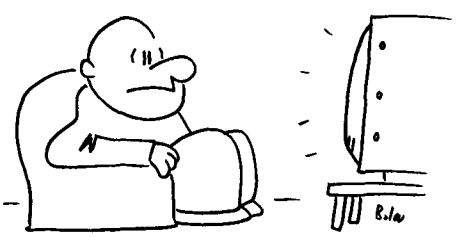
That clear the way for shopping malls,
A parking lot—uses they would
Declare are "for the public good";
It's time, as sure as Ma makes fudge,
To stick 'em with a right-wing judge.

—W. H. von Dreele



"*. . . In other news, Slovenia and Slovakia today got each other mixed up.*"

POLITICALLY CORRECT By Jim Huber
I WAS ACQUITTED! THIS CALLS FOR A TOAST
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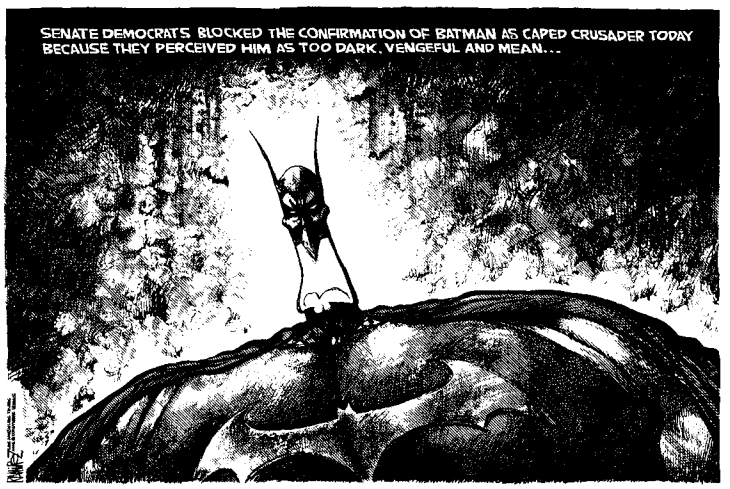
SENATE DEMOCRATS BLOCKED THE CONFIRMATION OF BATMAN AS CAPED CRUSADER TODAY BECAUSE THEY PERCEIVED HIM AS TOO DARK, VENGEFUL AND MEAN...

"OK, I'll ask . . . but I doubt they'll let you have a California jury . . ."

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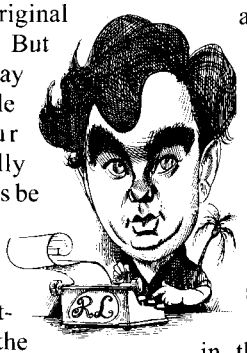
the long view

ROB LONG

To: Hamziyusef18966@gmail.com
From: editorial@harpercollins.com
Subj: your manuscript

Dear Hamzi:

I can't tell you how thrilled all of us here at HarperCollins were to read your book proposal. All of us here are, of course, deeply saddened by your incarceration in Guantanamo Bay, but we're absolutely psyched to have your book on our list for the fall! I've spoken with your agent, Andrew Wylie, about the original title of the book, "Detained But Not Deterred," and if it's okay with you, we'd like to noodle on it some more on our end. None of us were really "grabbed" by the title, and let's be honest: We both want this book to "go big," as the kids say, so maybe a punchier title will cut through the clutter. Over here, we all like the idea of calling it "Stream of Faith" or maybe "Droplets of Faith," to remind people about the really harrowing thing that happened to your copy of the Koran, but we'll come up with a longer list and go through it with you when the time comes. Anyway, until then, we're eager to see pages as soon as you've got them! If there's anything we can do here, let us know!



All the best,

Betsy

P.S.: I know they're keeping you in a mostly shaded area, but in case you didn't read New York magazine last week, remember: Use sunblock!!

To: Hamziyusef18966@gmail.com
From: editorial@harpercollins.com
Subj: early pages

Dear Hamzi:

Thanks a million for sending the most recent batch of pages. We've read through them up here and we're still really excited about the project!

The childhood section in particular a lot of us found very moving. It couldn't have been easy growing up as a middle-class male in Saudi Arabia. Your section on household help (or lack thereof!!) was particularly sharp and memorable.

Our instinct, though, is to cut that section way, way down. It takes away some of the focus and drive from the rest of the narrative, and it makes it, in a way, almost too personal. Yes, of course, this terrible incarceration is happening to you, but it's also happening to 500 other people, and we want our readers to really get a sense of the huge scale of this outrage. I mean, 400 people! That's a lot of people! That's almost the size of our entire marketing department for trade paperbacks in the self-help/personal-development area! So our feeling is, cut the section. We all love it, of course, but as Willa Cather once said, it's important sometimes to "murder your darlings."

But look who I'm talking to!

Anyway, we're hoping that as soon as you can, you'll send us some pages that deal with the treatment you've been getting at Guantanamo. I hate to be crass, but I really do have to put on my "marketing hat" and act like one of the "suits" and say that the torture stuff—which we know is very painful to write about—is going to move product out of the superstores. So whenever you can get to that stuff, just know that we're really super-eager to read it!

Meanwhile, a few more title suggestions: "Stains of Faith," "The Tinkle of Freedom," and "A Faith That Can't Be Flushed: The Hamzi Yusef Story." We'll keep noodling.

All the best,

Betsy
To: Hamziyusef18966@gmail.com
From: editorial@harpercollins.com
Cc: Andrew@wylieandassociates.com
Subj: recent pages

Dear Hamzi:

Thanks for the recent batch of pages. We've all read through them, and while we're still very high on this project, I have to be honest with you and say that we're a little disappointed. In your book proposal, you were pretty clear about describing "harrowing" and "shocking" acts of torture and brutality, and that, as I think you'll understand, was really what drew us to this project in the first place. Physical-torture narratives sell exceptionally well, especially in the fall for back-to-school, and so far, your manuscript lacks any really compelling scenes of torture and/or mistreatment. Yes, I know, somebody accidentally peed on your Koran, but to be totally honest with you, my four-year-old accidentally peed on my wedding album last week, and nobody's going to pay me a six-figure advance to write about it. I know that sounds harsh, but believe me, Matt Lauer is going to be a lot rougher than that. Well, maybe not Matt, but some of the others can be awfully nasty.

I'm sure if you really think about it, and really try to remember, try really hard, there have been lots of instances of really awful treatment down there that may have slipped your mind—physical stuff, maybe even sexual stuff—that might make those chapters really sing. Because as it stands now, the really exciting and juicy stuff is all about your combat experiences fighting against American troops, and we'll have a hard time moving units except in places that like that sort of thing, like New York and Los Angeles and Washington, D.C. Anyway, please give it some thought and try to remember some better and more compelling instances of torture that you suffered, otherwise we may need to rethink the book entirely.

Betsy

P.S.: I can't emphasize enough how great it would be if you could remember some instances of torture that were highly sexual in nature. That would really be fantastic!

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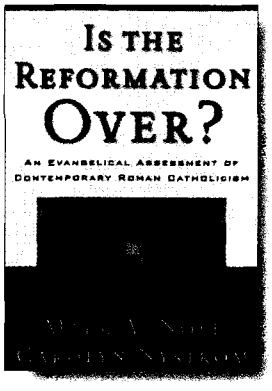
One Church, After All



Is the Reformation Over? An Evangelical Assessment of Contemporary Roman Catholicism, by Mark A. Noll and Carolyn Nystrom (Baker Academic, 272 pp., $24.99)

MICHAEL POTEMRA

"For my part, Sir, I think all Christians, whether Papists or Protestants, agree in the essential articles, and that their differences are trivial, and rather political than religious." Thus spake, not *quite* correctly, Dr. Johnson. In this excellent new book, however, historian Mark A. Noll and freelance writer Carolyn Nystrom make the case that while the differences are far from trivial, there is a growing sense among committed Catholics and evangelicals that they are not central either. Over the past half-century, the underlying unity among Christians has become evident to a degree that would have shocked observers as recently as 1960.

In that year, it will be recalled, John F. Kennedy felt that he had basically to disavow the practical consequences of his Catholicism to assure America's Protestant majority that he posed no threat to them. Anti-Catholic animus dated back to colonial days, and was stoked not just by the majority's fear of difference (the bigot's usual stock in trade) but also by 19th-century Vatican pronouncements against religious and political liberty. Noll and Nystrom recount that when, in 1857, the Supreme Court issued the notorious *Dred Scott* ruling, "abolitionists pointed out how natural it was for Chief Justice Roger Taney, himself the highest ranking Catholic in all of 19th-century American government, to push the Court to defend slavery"—but the fact that Taney had liberated his own slaves much earlier was "barely noticed" by contemporaries. In 1945, evangelical theologian Carl McIntyre declared that "without any doubt the greatest enemy of freedom and liberty that the world has to face today is the Roman Catholic system. Yes, [there is] Communism in Russia . . . but if one had to choose between the two . . . one would be much better off in a communistic society than in a Roman Catholic Fascist set-up."

Kennedy, therefore, had to cope with a deeply ingrained piece of conventional wisdom. His conciliatory words were met with suspicion by, among others, prominent evangelical leader Harold John Ockenga—who, "according to the *New York Times*, claimed that Kennedy's statements upholding the separation of church and state should be viewed in the same light as statements by Nikita Khrushchev of the Soviet Union in support of world peace. According to Ockenga, 'Mr. Khrushchev's meaning of the word "peace" equal[s] the world-wide victory of Marxism.'"

In this well-written volume, Noll and Nystrom give a lucid—and often highly inspiring—account of the amazing distance Catholics and Protestants have traveled in the years since JFK's statement. By 2004, evangelical politician Gary Bauer was able to say the following: "When John F. Kennedy made his famous speech that the Vatican would not tell him what to do, evangelicals and Southern Baptists breathed a sigh of relief. But today evangelicals and Southern Baptists are hoping that the Vatican *will* tell Catholic politicians what to do." Bauer's statement was hardly even controversial: In a poll that same year, evangelicals gave a higher approval rating to Pope John Paul II (59 percent) than to Jerry Falwell (44) or Pat Robertson (54).

The ice had melted on the Catholic side as well. In 1956, a commentator in the Catholic magazine *Priest* was still dismissing Martin Luther as "a lewd satyr whose glandular demands were the ultimate cause of his break with the Christian Church." Less than a decade later, a writer in the same periodical admitted that "we'd feel quite silly today declaiming against Luther in the intemperate words of yesterday"; by 2004, a Catholic reviewer of a new Luther biography was declaring that Luther simply could not "have foreseen that the Church of Rome would some four centuries later, at Vatican Council II, adopt many of the reforms that he championed."

Vatican II was certainly the most important event in this transformation; that council's decrees on ecumenism and religious liberty marked an epochal development in Catholic teaching, one that has borne much fruit in the succeeding years. The crucial theological dispute of the Reformation concerned the issue of justification: Is the sinner made righteous purely by God's grace, or also by his own works? Perhaps the most important ecumenical initiative in the United States—Evangelicals and Catholics Together, spearheaded by Richard John Neuhaus and Charles Colson—reached a notable measure of agreement on this question. In its first statement, in 1994, the ECT affirmed that "we are justified by grace through faith because of Christ" and that "all who accept Christ as Lord and Savior are brothers and sisters in Christ."

In 1999, the Vatican and Lutheran officials also agreed on a declaration on this subject: "Together we confess: By grace alone, in faith in Christ's saving work, and not because of any merit on our part, we are accepted by God . . . Faith is itself God's gift through the Holy Spirit who works through word and sacrament . . . Our new life is [a gift] we receive in faith, and never can merit it in any way." What makes this joint declaration especially important for the future of Christian unity is the identity of one of the key figures involved in it. Lutheran bishop George Anderson told the *National Catholic Reporter* at the time that "it was [Joseph Cardinal] Ratzinger who untied the knots . . . Without him we might not have an agreement." In its 1994 statement, the

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ECT had issued the important caution that we must "reject any appearance of harmony that is purchased at the price of truth"; in this respect, Pope Benedict XVI—whose commitment to Catholic orthodoxy is even more widely known than his belief in ecumenism—is exactly the right man to promote the cause of unity.

Noll and Nystrom discuss not just the recent history of evangelical-Catholic rapprochement but its possible future. Disagreements remain; what to do about them? In 1985, George Carey—subsequently archbishop of Canterbury—pointed to Vatican II's Decree on Ecumenism as indicating a way forward. That document, wrote Carey,

> suggested that closer agreement among Christians is possible if we think in terms of a hierarchy of truths. . . . Unity is often barred by the attention given to our differences, but not all doctrines have the same importance for faith. Could we arrive at an understanding of the common core of the faith we share while allowing freedom with respect to other teachings less essential? . . . It is biblically true that not all the doctrines of the Christian faith have the same value for *saving faith* even if they are regarded as important in their own right.

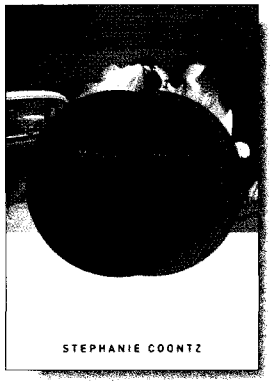
This concept of the hierarchy of truths offers a way to acknowledge differences without absolutizing them. Noll and Nystrom write that "judgments about the other group's errors" don't vanish, but are instead "relativized by new affirmations" of what is believed in common; the differences are seen "as (for now at least) incommensurable, but for reasons having more to do with historical circumstances than with sinful error, mistakes, or the exercise of power."

The authors seek a way of viewing the remaining disagreements positively ("as a result of God's providential oversight") as well as negatively ("as a result of God's permission of human failing"). In the process, they hit upon a highly thought-provoking metaphor. Each of the main branches of Christianity, they write, reflects an incarnation of the faith appropriate for a particular time and place: "The closest analogy to a Christian world divided into these instantiations of Christian faith might be the general condition of humanity divided into the world's various languages." Protestantism, Catholicism, and Eastern Orthodoxy are thus akin to major language families. "What we see today may be described as an incarnation of Christ in Catholic form and an incarnation of Christ in evangelical form. Since there is only one Christ, these incarnations are pulled toward each other. Since they constitute different cultures, different traditions, and different languages, the incarnations retain the differences characteristic of cultures, traditions, and languages."

While a person may be most comfortable in his mother tongue, he is also undeniably enriched by the nuances offered by other languages. To take one example: As an evangelical who grew up Catholic, this reviewer is well aware that the language of devotion to the Virgin Mary is foreign to most Protestants—but equally persuaded that it can be introduced to them with much spiritual benefit, and without any cost to central Reformation principles. This is actually happening: It has been widely reported that evangelicals are rediscovering Mary's role in salvation history. This is one of the most heartening developments of recent years—not just as an instance of theological progress on a specific issue, but as a demonstration that evangelicals are gaining a certain intellectual self-confidence, one that allows them to embrace Christian ideas that were formerly rejected owing to a defensiveness against "Catholicizing" tendencies.

The most common criticism of ecumenism—voiced, over the decades, by conservatives of all denominations—is that it waters down religious truth. Noll and Nystrom make a persuasive case for the proposition that today's very real ecumenism is based not in a mere papering over of differences in shallow compromise, but rather in a desire to embrace the truth more fully. In 1964, Billy Graham—ahead of his time in this as in so many other ways—declared that he felt "much closer to Roman Catholic tradition than to some of the more liberal Protestants." What Graham was talking about was an ecumenism of Christian integrity: a "mere Christianity" with nothing "mere" about it. He was on to something. So are Noll and Nystrom, when they suggest that ours may well be a "genuine moment of grace" in Christian history. **NR**

Love Story?



Marriage, A History: From Obedience to Intimacy, or How Love Conquered Marriage, by Stephanie Coontz (Viking, 400 pp., $25.95)

ALLAN CARLSON

THE television spirits of Harriet Nelson and June Cleaver haunt historian Stephanie Coontz. Along with Ozzie and Ricky, Ward, Wally, and the Beaver, these black-and-white specters from the 1950s materialize as whole chapters in her books. Like the 15 angry feminist coauthors of the recent volume *Not June Cleaver: Women and Gender in Postwar America, 1945–1960*, Coontz sees "the 1950s Family" as the lodestone of American social history and the early sitcom housewives as bearers of an awesome, culture-shaping power.

The big news this year is that Coontz has changed her mind about the 1950s family. Her earlier book, *The Way We Never Were: American Families and the Nostalgia Trap*, has been standard reading for a dozen years in college-level history and American studies courses. In it, she vigorously insisted that, "contrary to popular debate, *Leave It to Beaver* was

Mr. Carlson is president of The Howard Center (Rockford, Ill.) and distinguished fellow in family-policy studies at the Family Research Council. His latest book is *Fractured Generations: Crafting a Family Policy for 21st Century America* (Transaction).

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not a documentary"; rather, the 1950s were "a very deviant decade," and the 1950s family model found in the sitcoms—amiable, pipe-smoking fathers; well-dressed, happy, homemaking mothers; endearing teenagers—was both "a new invention" and "a historical fluke."

In her new book, *Marriage, A History*, Coontz sharply reverses course. Now, she essentially argues that *Ozzie and Harriet* and *Leave It to Beaver* were in fact documentaries, and of a largely positive nature. Indeed, she says that the 1950s family—instead of being a statistical fluke—should be understood as the product of "a gigantic marital revolution," the "culmination of a new system that had been evolving for more than 150 years." And rather than serve as tragic pawns of a failing patriarchy, Harriet Nelson and June Cleaver now emerge as quasi-revolutionaries, the shapers of history who unconsciously ushered in the new age of liberated love, cohabitation, easy divorce, and same-sex marriage.

In this breezy new analysis of marriage, Coontz sees history divided into three phases. From ancient times until 1750, arranged patriarchal marriages that focused on economic survival, property, and politics dominated everywhere. Then, in the mid-18th century, the "love revolution" broke out. Men and women on the cutting edge now sought their soul mates and developed the "male-provider marriage" as the preferred sentimental nest. Just below the surface, though, the tension between fleeting love and lifelong attachment broiled away, portending a greater upheaval. For generations, several forces held the marital dike: belief in innate gender differences; pressure from relatives, employers, and the law; the unreliability of birth control and the stigma of illegitimacy; women's continuing legal and economic dependence on men; and men's domestic dependence on women. The 1950s brought a kind of perfection to this model, with the Cleavers and the Nelsons as true icons, "the result of a unique moment of equilibrium in the expansion of economic, political, and personal options."

Then came the deluge, as a "perfect storm" emerging from "the subversive potential of the love revolution" swept away the seemingly solid 1950s family. Marriage became more joyful, loving, and satisfying; and also more optional and brittle. Intentional singleness, living together, non-marital births, care-giving dads at home, and homosexual marriage emerged as compelling lifestyle options. The marriage model of two becoming one flesh stood as obsolete: "It is no longer possible to assume that two people can merge all their interests and beliefs." Marriage vanished as an institution, and as the primary center of commitment and care-giving. It now means "love, honor, and negotiate," and when any of these fail, quick and easy divorce and a move to other options are the answers.

There are aspects of Coontz's argument that I admire. I agree that the 1950s family model—its rise and fall—is the key to understanding our contemporary "culture war." I share her judgment on sociologists of the era such as Talcott Parsons, whose strange advice to wives was to pursue the role of "glamour girl" and whose confidence in the stability of the 1950s family "seems hopelessly myopic." She is also correct in identifying portents of radical change *during* the 1950s, including an uptick in divorce in the latter part of the decade; the quiet growth in the number of working wives in the service sector; and the new *Playboy* ethos, in which men revolted against the breadwinner family a decade before Betty Friedan sparked a similar revolt among women.

The 1950s family model—its rise and fall—is the key to understanding our contemporary 'culture war.'

Still, *Marriage, A History* exhibits serious flaws in analysis. On one hand, the book is curiously Marxist in its relentless historical determinism, with "love" displacing "class conflict" as the driving force of history—as if Karl Marx had authored a romance novel. Phrases such as "these changes have profoundly and irreversibly transformed modern marriage," "we cannot turn back the clock," and "wrenching, far-reaching, and irreversible" form a drumbeat that seeks to smother alternative interpretations.

On the other hand, the book is in a way not Marxist enough. It all but ignores the true "great disruption" in family affairs that occurred about 200 years ago: the industrial revolution inspired by capitalism's "creative destruction." This upheaval displaced the home as the center of productive activity. It pulled fathers, mothers, and children out of households for work in centralized factories. It thrived on a hyper-individualism that denied the claims of family and community. The historical pageant of the last two centuries has actually been the search for ways to shelter families from the full logic of the industrial principle. This quest, not romance, was the true source of the breadwinner/homemaker model: The factories could have the fathers (who deserved a "family wage" in return), but not the mothers and the children.

Coontz's cultural analysis is also quite shallow. For example, her obsession with *Leave It to Beaver* and *Ozzie and Harriet* obscures the true diversity of sitcom programming in the 1950s. As Paul Nathanson and Katherine Young of McGill University have chronicled, the more common sitcom households of the 1950s featured: married couples without children (*The Honeymooners*, *I Love Lucy* in the early, classic years, and *I Married Joan*); extended families (*The Goldbergs*, *The Real McCoys*, and *Make Room for Daddy*); single-parent households (*My Little Margie*, *Bachelor Father*, and *December Bride*); surrogate families centered on the workplace (*Our Miss Brooks*, *The Gale Storm Show*, and *The Ann Sothern Show*); and "complex" households (*The Jack Benny Program* and *The Bob Cummings Show*). In this true Hollywood mix, Harriet Nelson and June Cleaver lived a minority lifestyle.

In addition, the vital role of religion in shaping recent family trends is absent. Coontz gives some superficial treatment to Christian teaching on sex, marriage, and family from the early era through the Reformation. Religion then more or less disappears from her analysis. This is unfortunate, for the evidence strongly suggests that the "Baby Boom" of the 1950s was denomination-specific: a peculiarly Roman Catholic thing. Consider these numbers: In the early 1950s, only 10 percent of Catholics under age 40 had four or more children, a figure

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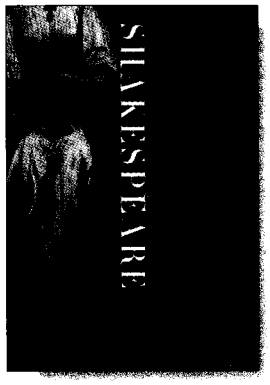
close to the Protestant figure of 9 percent. By 1959, the Protestant figure was unchanged, while the Catholic number had shot up to 22 percent. Coontz should actually be looking here to understand her mysterious decade.

The author also ignores the role that public policy played in undermining the already fragile 1950s family. She briefly mentions the Civil Rights Act of 1964 (which she mistakenly places in 1963), but neglects to explain the way in which Title VII prohibitions against sex discrimination in employment destroyed America's family-wage regime. (Perhaps she is embarrassed by the fact that Congress added "sex" to the list of prohibited discriminations only through a bizarre coalition of Dixie segregationists—who thought this change would sink the whole bill—and Republican feminists.) Tax reforms in the 1960s scuttled the strongly pro-family income-tax regime cobbled together in the 1940s.

Finally, Coontz dismisses an alternative, better explanation of recent changes. As Harvard sociologist Carle Zimmerman outlined in his 1947 magnum opus, *Family and Civilization*, history is replete with examples of social decline, where the healthy "domestic family" gives way to the "atomistic family." In this latter order, marriage is reduced to a weak contract, "the individual becomes sacred," and illegitimacy vanishes as a legal concept. This social shift, he shows, has commonly been prelude to civilizational collapse.

In the end, Coontz actually stands exposed as a disciple of Jean-Jacques Rousseau, who likewise believed that *sentiment* is the true driving force of history. Like Rousseau, Coontz rejects marriage as an expression of religion or natural law; she also refuses to see it as the product of human social biology. She dismisses social science as a guide to policymaking: "Using [statistical] averages . . . to construct social policy for all is not wise." In the end, she celebrates a social order resting on the fickle arrow of Cupid . . . and, of course, on the activist state, which is always ready to pick up the human casualties created by weak, broken, or never-formed marriages. In this sense, *Marriage, A History* is actually an act of ideology, best read as a would-be elegy for a once-family-centered civilization. **NR**

Still the One



Shakespeare After All,
by Marjorie Garber
(Pantheon, 1,008 pp., $40)

JEFFREY HART

Of all the books that have been written about Shakespeare, is this the best? Shakespeare has entered our consciousness and is there to stay. In this volume, Marjorie Garber deals with all the plays, and does so comprehensively. Her scholarship is superb, and she is alert to the movement of Shakespeare's verse, its rhythms, pauses, texture expressing the whole mind of a character; and there is nothing modish here, no French theory, no ideology, no axes to grind. Shakespeare after all, she says with a smile. And that's enough.

When Harold Bloom a few years ago advanced the idea that Shakespeare "invented human personality," the claim might have seemed excessive. Yet, as Garber points out in her excellent 38-page introductory essay, the self-understanding of our species has indeed come to express itself in Shakespearean terms: "[*Hamlet*] from the Romantic era on has been established as the premier Western performance of consciousness . . . the Macbeths have become emblems of ambition, Othello a figure for jealous love, Lear a paradigm of neglected old age and its unexpected nobilities, Cleopatra a pattern of erotic and powerful womanhood, Prospero in *The Tempest* a model of the artist as philosopher and ruler. Romeo and Juliet are ubiquitous examples of young love, its idealism and excess."

And about Shakespeare's women she writes that they "have become models of speech and conduct across the centuries, from the 'shrew' Katherine to the loving daughters Cordelia and Miranda to Juliet, the modern paradigm of love and longing." A Harvard professor, Garber is too polite to add that Prince Hal, in his youthful days with Sir John Falstaff, Mistress Quickly, and Doll Tearsheet, was the first Yale Man.

Garber hears that Shakespeare's characters all speak with their own voices, the poet himself disappearing into the characters he has made.

> Shakespeare's plays do not have a single voice, a lyric "I," or a "focalized" character through whom the audience or reader is tacitly expected to interpret the play. . . . The audience is given extensive evidence *within the play* to judge and evaluate the truth claims and ethical assertions that are so eloquently set forth by these charismatic speakers. We should remember that some of the most effective soliloquies . . . are put in the mouths of, and at the service of, Machiavellian characters: Richard III, Iago, Edmund.

Exactly right. Shakespeare's erasure of himself seems almost magical. And yet—I know that I am probably deluded on this point—I believe that when you have immersed yourself in Shakespeare you do hear a Shakespearean voice, somehow between the lines but always present: the voice of the man Ben Jonson in his elegy called "Gentle Will." This man listens to the world.

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He holds himself in abeyance, he lets things Be, and what one hears is a comprehensive understanding, the Shakespearean voice saying, of so vile a person as Iago, only "Poor fool." Shakespeare hears truths about the world even in the Machiavellian voices of such wretches as Iago and Edmund—partial truths, to be sure, but truths nevertheless. Garber cites Keats on this Shakespearean "negative capability," contrasting it with the Romantic "egotistical sublime"—and also Keats's observation that this poet "has as much delight in conceiving an Iago as an Imogen." Shakespeare looks upon his creation and finds it splendid.

The Shakespeare scholar Robert Hunter correctly called the late comedies "comedies of forgiveness," noticing the sacramental quality of *The Tempest*: the Fall occurring in Naples, then baptism (Prospero's storm), followed by contrition and repentance, confession, forgiveness, and marriage. The storms literal and spiritual that rage in the tragedies at last are ended, and the whole sequence of Shakespeare's plays can be seen to form an overall pattern like that of *The Divine Comedy*. You can make a discovery just by picking up a volume of *The Tempest*: It is much thinner than the volumes of the other plays. It has far fewer words, because a production includes so much music, expressive of joy and harmony; and, in a sense *The Tempest* wants to be music, the harmonious music of the spheres. Of course Prospero (and Shakespeare) says goodbye at the end. What more is there to say?

We see here, guided by Garber, that Shakespeare could write anything. He knew that Petrarch had written those famous love poems, his octet-sestet sonnets to Laura, so he begins *Romeo and Juliet* with a Petrarchan sonnet—but violates rosy expectations with mention of that ugly feud: "From ancient grudge break to new mutiny, / Where civil blood makes civil hands unclean."

Another Renaissance form of love poetry was the aubade, or dawn song, the lover's song at dawn. You want an aubade? As Garber notices, in *Romeo and Juliet* Shakespeare tosses one in, and plays with the form:

> JULIET: Wilt thou be gone? It is not yet near day.
> It was the nightingale and not the lark . . .
> ROMEO: It was the lark, the herald of the morn,
> No nightingale. Look, love, what envious streaks
> Do lace the severing clouds in yonder east . . .

One wonders whether the crowd at the Globe picked up the aubade there.

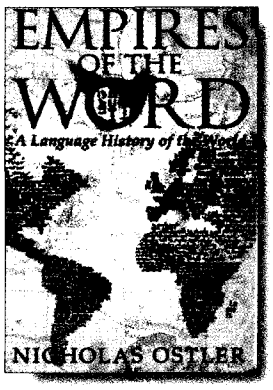
John Donne famously used the aubade form, pushing it to a spiritual extreme in "The Good-morrow." Read that one, if you don't already know it: a great poem sounding like a Shakespearean soliloquy. (Incidentally, there is speculation that Shakespeare used the young Donne—brilliant, unpredictable, erotic—as a model for his Prince Hamlet.)

Mark Van Doren was right: Shakespeare must have written his plays easily or he could not have written them at all.

Mark Van Doren (who also wrote very well on all the plays in his 1939 book *Shakespeare*) once remarked that Shakespeare must have written his plays easily or he could not have written them at all. There is just too much in them: so much brilliance, so much meaning, all happening at once. This is all too much if a writer has to work it up. Shakespeare wrote plays the way Mozart wrote music.

Shakespeare is a dangerous author to test yourself against as a teacher or critic: the greater the writer, the greater the danger. While you read the work, the work reads you, and judges your adequacy. Shakespeare has ruined many critics. Marjorie Garber comes through her heroic effort here wonderfully. She and Helen Vendler, probably the best close reader of lyric poetry today, provide Harvard with a formidable team, and must attract the very best students, whether undergraduates or Ph.D. candidates. Sneer at Harvard all you like: If Harvard pays any attention, it just laughs. **NR**

The Dress Of Thought



Empires of the Word: A Language History of the World, by Nicholas Ostler (HarperCollins, 640 pp., $29.95)

JOHN DERBYSHIRE

Most of us have, at one time or another, puzzled over such historical-linguistic conundrums as: Why did only Britain, of all the Roman provinces overrun by Germans, end up speaking a Germanic language? Why did the Portuguese language "take" in Brazil, but not in Africa, while Dutch "took" in Africa but not in Indonesia? If the Phoenicians were so important in Mediterranean history, how is it that they left not a single work of literature behind? Since we know of no nation named Aramaia, whence came Aramaic, the language spoken by Jesus of Nazareth? What actually happened to Sumerian? Or Mongolian, the language of a vast medieval empire?

Plainly, what we have been needing is an account of world history written from the linguistic point of view. Well, here it is. Nicholas Ostler is a professional linguist and currently chairman of the Foundation for Endangered Languages. His loving fascination with languages is plain on every page of *Empires of the Word*, and in the many careful transcriptions—each with a brief pronunciation guide and a translation—of passages from Nahuatl, Chinese, Akkadian, and a host of other tongues. Ostler actually has a *feel* for languages that, he has convinced me, goes into something beyond the merely subjec-

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tive. He speaks of "some of the distinctive traits of the various traditions: Arabic's austere grandeur and egalitarianism; Chinese and Egyptian's unshakeable self-regard; Sanskrit's luxuriating classifications and hierarchies; Greek's self-confident innovation leading to self-obsession and pedantry; Latin's civic sense; Spanish rigidity, cupidity, and fidelity; French admiration for rationality; and English admiration for business acumen."

The story he tells—the story of the languages of human civilization—is illustrated with dozens of maps, as a book of this sort ought to be, as well as a scattering of drawings and photographs. After a brief introductory section, the narrative divides into three parts. The first describes the spread of languages, mainly by land, from the remotest past up to the Middle Ages. The second covers the last half-millennium, when European languages planted themselves all over the world, carried mainly by sea (Russian being the chief exception here). In a short final section, Ostler surveys the current language map, and offers some speculations about the future.

The first section is the longest and contains much material likely to be unfamiliar to the average reader. It begins with the story of the Semitic languages, from Akkadian through Aramaic and Phoenician to Hebrew and Arabic. The main points of interest here are the odd lingering prestige of Sumerian long after Sumer as a political force had ceased to exist; the replacement of Akkadian, a firmly established bureaucratic-imperial language, by Aramaic, a nomad dialect from the desert fringes; and the dramatically different fortunes of sister-languages Phoenician and Hebrew. From the second of those points, Ostler extracts the surprising but true principle that "the life and death of languages are in principle detached from the political fortunes of their associated states." He confronts, and refutes, the theory that Aramaic won out over Akkadian because of its superior, alphabetic, writing system, assigning the true cause to Assyrian population policy.

We then get an illuminating comparative study of two great introverted imperial systems, Egypt and China, and their languages, with the startling conclusion—the supporting argument is too complex to summarize—that "the long-term future of the Chinese language may be hanging in the balance." On to Sanskrit, for which the author nurses a particular affection, and which he describes as "eminently learnable," though this is not the impression one gets from glimpses of the grammar. (For example, the Sanskrit verb has a benedictive mood, used only when blessing.) Greek, says Ostler, is "an instructive example of what can happen to a prestige language when its community ceases to innovate, and the rest of the world catches up." Celts, Romans, Germans, and Slavs in turn then march across the historico-linguistic stage, before the English, French, Dutch, and Spanish embark in leaky wooden carracks to spread their languages to the remotest regions of the earth.

The author is naturally tempted to try to extract from all this history some general principles about the spread of languages. This proves difficult, though, beyond a few truisms, such as that a language genealogically related to one's own is much easier to pick up. "Despite 1,200 years of practice, the phonetic distinctions in Arabic which Westerners find hard to master . . . are difficult for Persian speakers too."

Languages enlarge their numbers of speakers in various ways: through trade, conquest, migration, imperial consolidation, or religious proselytizing. The latter two—Spanish in the Americas and Sanskrit in Southeast Asia are instances—seem to be the most efficacious. Trade is an especially poor bet, as the examples of Phoenician, Sogdian (on the Silk Route), and Arabic (in the Indian Ocean) illustrate. Ostler comes to one of his few definitive conclusions on this point: "No community famous for specialization in trade has passed its language on permanently as a vernacular, or even as a lingua franca, to its customers." The customer, you see, is always right, and the customer's language is therefore to be preferred.

In general, though, any attempt to lay down rules here is at once swamped by counterexamples. Surveying the languages currently dominant in the world, Ostler says: "Grossly, then, one could claim that, in the political economy of languages, it pays to be the dialect of a city that becomes a national capital; it pays to be in a tropical plain, especially if it grows rice; and above all it pays to be in East or South Asia. But all these criteria have exceptions: indeed, English started out with none of these advantages."

It is likewise difficult to see into the linguistic future with any clarity. Of a few cases, we can entertain some confidence: Russian will decline, Japanese hold its own. All else is speculation. Will the different varieties of English diverge, as post-Imperial Latin split up into the Romance languages? (Some Jamaicans hired to work on my house last year conversed with me in flawless Queen's English, but with each other in impenetrable island patois.) Conversely, will the Turkic languages of Central Asia merge, with Anatolian Turkish, into a single language? Will Chinese attain major international status at last? What will be the influence of the Internet? Of demography? Of migration? Of Islam? The variables are so many, and the historical precedents so contradictory, one can do little more than pose the questions. This Ostler does, with all the clarity and humility of true scholarship. A marvelous book, learned and instructive. **NR**

THE CIRCLE DANCE

Long shadows on the lawn
Are all that's left of the night.
Mars and the moon have gone
Under cover of dawn light.

Jenny, come down to the garden
And see what the day has in store.
Watch the hollyhocks open,
The crows in the sycamore;

For life is a morning shadow
That shortens and disappears,
And the sun is a high-handed fellow
Spinning our months into years

And days into nights to show
This world is his roundelay.
May love like the evening shadows grow
Till life and light pass away.

—DANIEL MARK EPSTEIN

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■ TRAVEL ■

Easy Riders

ANDREW STUTTAFORD

Look, I'm not Hemingway, Marco Polo, or Lewis or bloody Clark. I don't kayak, hike, or bike, but I do know I'm not the only traveler in Mongolia to have gone through a moment of despair, regret (what was so *wrong* with Cancún anyway?), and panic. And why not? We were somewhere remote in the country that defines remote and our guide's "short cut" had more than a touch of the Donner Party about it.

Were those really vultures, dark, enormous, and optimistic, circling over our dusty and exhausted bus as it bounced, creaked, juddered, and shuddered along the unpaved road that wound across an empty plain that made the Mojave look like the Garden of Eden? Yes, they were vultures. Big ones. Mean ones. Hungry ones.

Hours, hours, bouncing and juddering *hours* later, broken only by a grim little picnic by a grim little lake previously denuded of fish by dynamite-toting Chinese, we arrived at Lun, a *Mad Max* scrap of a settlement that shared only a syllable with the British capital, in the hope of refueling the bus. Lun's wreck of a gas station had gas. It had pumps. It had an attendant. What it didn't have was electricity. No electricity. No pump. No gas. The power was out all over eastern Mongolia, but the attendant thought that a lady who lived nearby might have a stash of gas, and that stash of gas could be for sale. She did, and it was.

The impossible has a way of happening in the land of the Mongols. They are a people too far-flung, too poor, and too strange to survive. And yet they have. They survived the collapse of the khans' huge empire, they survived the centuries of Chinese oppression that followed, they survived even the brief, brutal, and bizarre rule of a crazed Baltic baron, and, finally, they survived the decades of Communist dictatorship that ended only in 1990.

Now at last this nation of nomads, lamas, herdsmen, shamans, miners, bureaucrats, and trainee city slickers is back in charge of its own destiny. And as in so many other parts of the old Soviet bloc the first sign of a better future is the return of the long-suppressed past. In Mongolia that can only mean one thing: You Know Who is back. Genghis! In the Communist era, Genghis Khan (or, more accurately, Chinggis Khaan) was regarded as a distinctly disreputable figure, a man best not mentioned by the politically prudent. Not anymore.

Brushed, scrubbed, rehabilitated, and thoroughly whitewashed, the old monster has been transformed into a lawgiver, philosopher, and all-round decent guy. "Yes," I was told, "he was a mass murderer, but that's how war is." Besides, he was "provoked" (it's a long—and utterly unconvincing—story). Butcher no more, Genghis now shines as a symbol of Mongolia's lost glory and newfound confidence. There's even talk of moving the capital from Ulan Bator (Ulaanbaatar) to the spot that Genghis picked, Karakorum (Kharkhorin), these days a tumbledown town distinguished only by a magnificent monastery having, awkwardly, no connection to Genghis. In fact, almost nothing in Karakorum has. Well, there is a modern monument—part Trump, part Brezhnev, all disaster—dedicated to the Mongol empire, but, like Mongolian cuisine, it is best passed over in silence.

In Mongolia's national history museum, the Commies are out and Genghis is in.

Fortunately, there's more in Mongolia for Genghis fans than Karakorum, including Chinggis cigarettes, Chinggis beer, and the alarming Chinggis vodka. In Ulan Bator, Chinggis has given his name to the best hotel, a wide avenue, and a good place to munch some mutton. Over in the national history museum, previously preoccupied with the exploits (stupendous) of the Mongolian Communist party, the Commies are out and Genghis is in.

If the great Khan's tale is embellished, mythologized, and sometimes just plain made up, that's understandable in a people that still seem a little uncomfortable in the trappings of a modern nation-state. And for this, the country's complex and often savage 20th century must bear no small share of the blame.

As even a quick glance at Ulan Bator's glum architecture will reveal, today's Mongolia is in many ways a creation of the Soviet Union. Russia's Bolsheviks played an important part in establishing Mongolian independence, and their successors did their best to ensure that that independence was a sham. Ulan Bator (the name means "red hero") resembles a rundown provincial capital anywhere in the former USSR. Like many such cities, Ulan Bator was embellished with the occasional unconvincing local flourish (its wedding palace is built in the shape of a traditional Mongolian hat), but its true spirit was crushed. Most of Ulan Bator's monasteries were, like the monks who inhabited them, obliterated, their ornate forms replaced by the slovenly grandeur and gimcrack construction so typical of Soviet rule. Even the mausoleum of Mongolia's other great hero, the "red hero" himself, Damdiny Sükhbaatar, bears a suspicious resemblance to Lenin's in Moscow.

At least the statue of Stalin that stood outside the national library was finally pulled down, if only in 1990. Other, more disturbing, traces of the murderous Georgian still remain. In 2003, construction workers uncovered a mass grave containing the remains of perhaps a thousand people. Most of the victims were Buddhist monks, shot, bludgeoned, and dumped in a ravine near Khambyn Ovoo: a small portion of the tens of thousands of victims slaughtered, exiled, or imprisoned in the 1920s and 1930s as the Mongolian party leadership, carefully choreographed by Moscow, brought the grim drama then playing in the USSR to their own country. The script is familiar, complete in every disgusting detail, even down to the rise of Horoloogiin Choibalsan, a puppet Stalin all Mongolia's own.

There's an old wooden house in Ulan Bator that gives a flavor of those days.

Mr. Stuttaford is a contributing editor of National Review Online.

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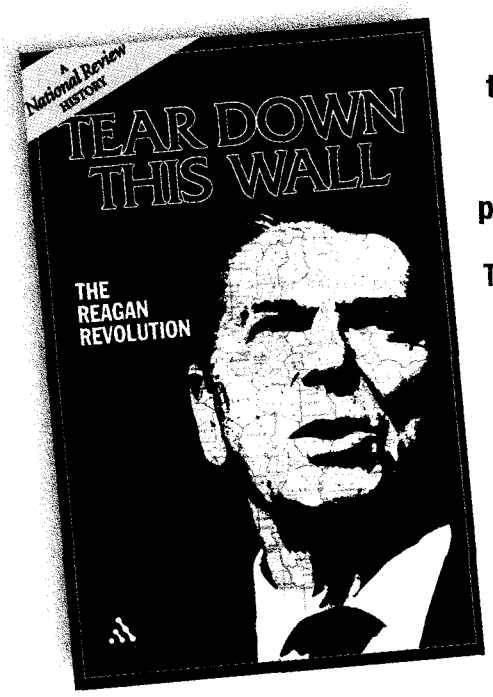
Once the residence of a Mongolian prime minister murdered in Moscow in 1937, it now hosts a museum dedicated to the victims, complete, as such museums usually are, with the incomplete: the names and the photographs of just a few of the dead. A wax tableau reproduces the scene in an interrogation chamber, while upstairs a small pile of skulls from the Khambyn ravine shows how such interrogations tended to conclude.

And as expected in the former Soviet empire, the accounting for the Communist years remains unfinished, ambiguous, and uncertain. A statue of Lenin presides over the prostitutes outside a downtown hotel, and Choibalsan still stands on his pedestal outside Ulan Bator's university. Choibalsan's party is in Mongolia's governing coalition and its candidate recently won the country's presidential elections. But the Mongolian People's Revolutionary party is not what it was. It has accepted democracy, the free market (more or less), and, even, alliance with the U.S.; the Mongols are back in Baghdad, if rather less bloodily than in the time of the khans. Ulan Bator may be desperately poor, but there are many outward signs of returning enterprise—bustling shops, sidewalk kiosks, even a stock exchange.

Outside Ulan Bator conditions are far tougher. For a couple of days our group stayed in a *ger* (yurt) camp in a high valley to the north. The valley was lovely, with more than a touch of Shangri-La about it, but even this idyll offered a glimpse of a very hardscrabble Arcadia, where few inhabitants had much in the way of, well, anything. Life in Mongolia is harsh: The climate is merciless, incomes are low, and with little in the way of infrastructure (there are, for example, probably fewer than 5,000 miles of paved road, a miserable figure for a country the size of Alaska) it's difficult to see how that will change any time soon. But if anyone can make this all work, I like to believe that it will be this tough, resilient people.

And before you say that this is a hopeless dream, go to the steppe and watch a lone horseman riding calmly through that vast impossible space, his herd in front of him, and history just behind. **NR**

NR on RR



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■ CITY DESK ■

Gotta Be the Shoes

RICHARD BROOKHISER

THE three signs of urban summer. Tiny parks stuffed with leaves. Tiny tops stuffed with breasts. Sneakers.

The dictionary defines *sneaker* (2. Plural) as "Canvas shoes with soft rubber soles. Also called 'tennis shoes.'" I do have an old dictionary, don't I? Sneakers haven't used canvas since Wilt Chamberlain missed his last free throw. But definition (1. Singular) is still right on target: "One who sneaks." Sneakers in the city are informal, to the point of disreputable: the footwear of the lazy or the criminal or both; of those who have lost their self-esteem, or who never had any. In short, they are the footwear of all of us who are not compelled by our employers to wear anything better.

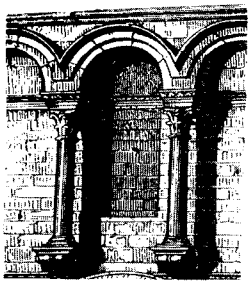
New York has been defining the dress code down for decades. Alexander Cockburn, the Soviet journalist, dines off the story of his father, Claud, fooling a fellow Brit who had a morning appointment with the editors of the *New York Times*. What should he wear? the visitor asked. Nothing less than a topper, said Mr. Cockburn. Even then we struck our transatlantic cousins as informal. How much more so now.

The heat may turn every side street into Death Valley. Juan, wearing a colored shirt with his name embroidered on it—sign of the bottom rung of the regularly employed—walks the mean sidewalks in black shoes. Yet Carlos, his ne'er-do-well friend in T-shirt and kerchief, gets to wear sneakers. So does Becky (Mount Holyoke '03) going back to her desk at the publisher's, or the publicist's. They are literally footloose. Poor Juan is boxed, and leathered, in; both ends against the shank. What justice is there in that?

Once upon a time, in the days of canvas, sneakers were black and white and dorky. Now they come in every color. The most common color is dirty. Red and silver scuffed to grey, purple moldering to brown. At least the slovenliness matches the omnipresent denim and crappy haircuts.

No condition or category of society is sneaker-free. An Orthodox man, sweating under his yarmulke and his overweight, staggers along on rubber soles. Babies in strollers waggle baby sneakers; their mothers, or their West Indian nannies, pad along in adult sizes. Most pitiful are the shuffling sneakered old. For this, you worked, learned, and lived? For this, we pay your Social Security? If you will not respect yourself, respect your station in life.

Sneakers are appropriate in the gym. If you have eight plates on the leg press, the sneaker sole gives you the marginal confidence that you will not slip and crumple like a concertina. Sneakers are appropriate for marathons, if your anorexia takes that form. I would also give a pass to cabbies: After ten hours of tap dancing between the accelerator and the brake on Third Avenue, that squishy instep must be a blessing. On anyone else, sneakers seem like a trespass.



I have said that jobs can force men to wear proper shoes. One of the most demanding jobs for women is sexuality, for which the proper footwear is high heels. The informal summertime substitutes for these are flip-flops. Some women may believe that high heels and flip-flops are functionally equivalent, since they both show skin. Flip-flops may even seem more effective, because they alone show toenail polish. This belief is deeply mistaken. High heels give you legs like Angelina Jolie in the *Mr. & Mrs. Smith* poster. Flip-flops give you legs like a Steinway. High heels make the compelling, aggressive tattoo of castanets. Flip-flops sound like water belching from a fire hydrant. Following a woman in high heels up out of the subway is like discovering America. Following a woman in flip-flops up out of the subway is like riding the subway.

One class of New Yorkers takes their sneakers seriously: black and Hispanic high-school kids. When they flock on the sidewalk outside school, coming or going, or because someone pulled the fire alarm, there and there alone you see high-end Air Jordans, box clean. They gleam like astronaut gear, or the Batmobile. Villages in Java labored to make these totems; in New York only the underclass puts a proper value on their handiwork. Unfortunately, that valuation is often a sign of crime: theft; drug-dealing profits; or worse. My trainer had a story. A woman he knows, who, like him, is also from the islands, has a daughter in high school. The woman has no husband, works two jobs; it's a struggle. Mostly, she has no time. One day, she finds in her daughter's room brand-new sneakers, several pairs. Where did you get these? she asks. Daughter won't answer; daughter resents the question. My trainer and I know the answer. Some friendly fellow is trying to pimp her. Sneakers are his bait. It were better for him that a millstone were hanged about his neck, and he cast into the sea.

The only other option for serious informal footwear in New York is an immigrant: the cowboy boot. Cowboy boots are enjoying a mini-vogue here despite the fact that the 43rd president wears them and he is not exactly a favorite son. But the advantages of the cowboy boot for New Yorkers are obvious. They are stylish. The style is alien, but New York always hankers for the exotic. They are expensive. How do you prove to yourself that you make enough money? By spending it. Most important, they are comfortable. A good boot fits like a glove, and supports like a maple desk-chair. Even in their mannerist phase—and boots decorated with comets or the Chrysler Building are products of a mannerist phase—they are descended from boots that were meant to be worn all day and worked in. So bring on the Old Gringos and the Liberties. I've got to meet someone at the Yale Club in five minutes and I have to walk over Murray Hill to get there. Time to make tracks. NR

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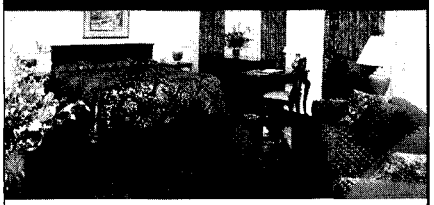

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on the right

WILLIAM F. BUCKLEY JR.

KO by Michael

NEW YORK, JUNE 13

THE reaction, in private quarters, was different from the reaction to the bizarre exoneration of O. J. Simpson in 1995. In that case, the jury hardly paused before entering a verdict of Not Guilty. This time around, it was seven days of deliberation, though the final results did not suggest any schismatic bodies holding out for a guilty verdict. And—truly important—the race question wasn't a factor. Incredibly, there was not, seated, a single black juror. Those who followed the trial were surprised that racial prejudice wasn't brought up more insistently by Jackson supporters. One can only imagine the hue and cry on this subject if Jackson had been found guilty. The defense of O. J. was based blatantly on alleged racial discrimination. A concise view of it is that if O. J. had been white, he almost certainly would have been convicted.

A big difficulty with Michael Jackson has to do with what the jurors were being asked to convict him for doing. One of his first hit songs at the superstar level, 25 years ago, was called, "Don't Stop Till You Get Enough." Nice young men and nice young girls would not use such language except in smokers. Certainly they would not bid for market approval in a song so labeled. Jackson not only did so, he was awarded a Grammy for it. Such data persuaded the jury that Jackson had to be thought of as a man from another culture.

As to this, there was evidence writ large on the public screen. Jackson has lived as extravagantly as any sheik. He managed to marry twice, but those who saw him discuss home life with Lisa Marie Presley accurately predicted that that wedding had been one more act in a serial drama. The marriage lasted 18 months, slightly shorter than the subsequent one, which resulted in two children and divorce.

But the jury was not asked to inquire into what kind of life is expected of a 46-year-old superstar who at age 21 enjoined his listeners, "Don't Stop Till You Get Enough." Some people, we know, behave differently from others. The point the prosecutor was trying to make was that this is indeed so, but unorthodox behavior can become aberrant behavior and, in the case of Jackson, did so when he invited young boys into his bed.

The Jackson team brought in a few boys and their families who insisted that overnight in Michael's bed was like overnight in a laundromat. This proposition suffered from Michael's experience of 1993, when an outraged mother filed a suit alleging felonious pedophilia. But before any jurors were canvassed on that charge, the case disappeared from the dockets. There had been a settlement. Most recently it was reported that Jackson Inc. paid $20 million to the plaintiff, who agreed never to mention the case again; so that when the prosecutor in this trial tried to get the mother or her son to talk about past life in close quarters with Michael, there was a stone wall there.

Although that story counted against the credibility of Michael, the prosecution was affected by a complementary aspect of life in that culture. Growing up as a plaything of Michael suddenly opened up the possibility of $20 million. The jurors could understand that the moment had to come when Michael's team said no—no more payoffs.

But though such thinking argued for the integrity of Michael, it also provoked legitimate curiosity on why the suits were brought in the first place.

The kind of horror aroused within cultural orthodoxy by tales of dirty old men taking the innocence of little boys didn't seem to have the hold on the jury that would have been expected even a few years ago. What is indisputably happening is that child prostitution has become all but a yellow-pages item. And these jurors, while by no means identifying themselves with this particular new age, were apparently never stirred to the point of feeling any responsibility to do their bit to discourage it when they came across it.

The Mounting Protests

NEW YORK, JUNE 17

IT'S correct that there is political commotion mounting in opposition to the Iraq war. It is important to distinguish between two kinds. One, which is gaining attention, centers on misrepresentations. The so-called Downing Street Memo is cited. This records an exchange at 10 Downing Street on July 23, 2002, at which, it is said, the representatives of Mr. Bush made it clear that the president had resolved to proceed against Iraq irrespective of what the U.N. might do.

Rejecting that account, the Bush people have said that the invasion was not finally planned until after the appeal to the United Nations by Secretary of State Powell on February 5, 2003.

The revisionist line is saying that the war should not have taken place and that many who gave it support were deceived by apodictic claims from the White House that the enemy had weapons of mass destruction.

That argument, gaining strength with the formation of an "Out of Iraq" Congressional caucus, is one thing—a reiteration of antiwar and isolationist sentiment. This is unrelated to reservations being expressed within the conservative community having to do with the need to rethink the claims of that war on our support.

Last week a conservative dissenter submitted an analysis to his colleagues. Several points were made.

After the success of the military enterprise, "two goals then took form. The first was to organize elections, giving Iraqis' tribal divisions an opportunity, acting together, to record their willingness to establish a self-governing republic. Once again, the results were gratifying. Some 80 percent of those who voted registered their endorsement of a constitutional regime change.

"The second goal has been to bring such order to Iraq as is required to effect the self-government the voters had endorsed. This objective has failed."

The failure, it is argued, cannot be redeemed by prospects that remain illu-

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sory. There isn't freedom of civil action in Iraq. There are areas in which order is routinely exercised, but there are no areas where Iraqis can assume safety from insurgent disruption.

In the past twelve months, our policies have been expediential: an attempt to effect such order as is required to permit a devolution of authority to Iraqis. The planted axiom has been that it is only a matter of time before the two great passions—for stability and for political self-government—converge into a new and viable Iraq.

Not to be taken for granted. "No developments in the first half year of 2005 warrant confidence that these goals are being met, or even that they are predictable. The blame for this cannot responsibly be assigned to any one delinquent body. The United States military has performed with courage and perseverance. The Iraqis have never submitted to the insurgents, by whom they are nevertheless frequently overcome."

The critic persuasively argues that no commitment by the U.S. can be interpreted as extending beyond a reasonable allocation of the nation's resources. We could not, in March 2003, when the war began, be expected to fix a figure of soldiers dead and billions spent, after which geopolitical assumptions would be revised. "As major military operations are measured," we are reminded, "our losses in Iraq are statistically exiguous, but they are nonetheless inordinate. The disposition to bear the cost and pain of human losses is necessarily measured by coordinate purposes and achievements. Our desire that the new Iraq, uninterrupted by insurgency, should proceed as a free and independent state is less than a commitment to which we are prepared to make sacrifices without measure."

The critic concludes, "The moment comes in every military venture, short of national self-defense, when responsible thought is given to the correlation of ends and means. One reason given for venturing into Iraq was the need to impress upon the nations of the world the decisive nature of U.S. intercessions. We effected this by going into Afghanistan and Iraq. But we have dulled the example we set out to make by tolerating costs without corresponding advances on the strategic goal."

A respect for the power of the United States is engendered by our success in engagements in which we take part. A point is reached when tenacity conveys not steadfastness of purpose but misapplication of pride. It can't reasonably be disputed that if in the year ahead the situation in Iraq continues about as it has done in the past year, we will have suffered more than another 500 soldiers killed. Where there had been skepticism about our venture, there will then be contempt.

Friedman Night

NEW YORK, JUNE 24

THE other night in New York there was a great money-raising party in honor of Milton and Rose Friedman. Those present were true believers, and Milton Friedman is their nativity. That is true in a general sense, since he is the author of definitive studies of the monetary system, and is the American *fons et origo* of libertarian enterprise. He received a Nobel Prize, endowed the University of Chicago and then the Hoover Institution with his afflatus, and promises his disciples to live forever, along with his brilliant and decorative wife, Rose. He has made a flying start on this guarantee since he is 93 years old and he and Rose have been married for 67 years.

The Friedman Foundation, which was the evening's beneficiary, is devoted to advancing the prospects of school choice. This is a very live movement, born 50 years ago in an essay by Milton Friedman. There are school choice programs of various kinds ongoing in several states, described in the literature distributed at the Mandarin Oriental Hotel along with the meal (it would have been tempting to write, in lieu of a meal). The beneficiaries of school choice would include students who use the voucher; students who remain in government schools (these would improve on facing competition); employers (who would find literate graduates applying for jobs); educational entrepreneurs (who would invest in new and innovative schooling); and taxpayers—inasmuch as school choice would bring reduced expenses.

The evening was star-studded. We had a tape of Alan Greenspan, who hailed Friedman's work even as, later in the evening, Friedman would hail the work of Greenspan. George Shultz was on screen to name Friedman the single most important human being of our time. Henry Kissinger was present and gave a brief glowing talk about the importance of Friedman as an international symbol.

Then came questions and answers. Here Friedman says some things that require faith. He compares the performance of Catholic schools and public schools in New York City. The Catholic schools (only one-half of whose students are Catholic) cost half as much per student as the public schools and send almost twice as many graduates on to college.

Moreover, the very act of submitting to pubic schooling tames young spirits to associate public enterprises with correct social enterprise. It is a contaminating experience, Friedman holds—a breeding ground of budget allocations by political bodies, submission to cartels of union-bound teachers, and a spiritual acclimation to a norm which, far from being competitive, encourages the kind of mediocrity that is associated with corporate goals set by remote agencies.

On nothing are the Friedmans more emphatic than that school choice would help poorer students. Competition inevitably encourages quality, and students who are free to opt for alternative schooling would flock to do so, as they have done in experiments in Chicago and Milwaukee and are expected to do in Arizona and Utah.

The Friedmans have committed their entire estate to their foundation, which currently lists assets of more than $4 million. Everything Milton touches has the feel of his optimism, and Wednesday's event was no exception. Dinner chairman Charles Brunie announced that the dinner had generated $993,000 in contributions. Whereupon a guest raised his hand and said, "Count me in for $7,000," making it a million-dollar affair.

—UNIVERSAL PRESS SYNDICATE

"The Department of Transportation found me morally unfit to adopt a highway."

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happy warrior

MARK STEYN

A Weird Stockholm Syndrome

A FEW years back in London, I caught a delightfully bad lounge act who, in contrast with the overwrought tremulous chanteuses one finds in the Oak Room and such these days, specialized in a blithely bouncy cheerfulness when it came to even the most lugubrious lyric. He sang the theme from *M*A*S*H*—you remember, the TV show about the Korean War that was really about the Vietnam War and ran longer than the Hundred Years War. Johnny Mandel's theme music was wistful and ambiguous on the sitcom, and accompanied by landing choppers. But in that little boîte in Knightsbridge, our singer was entirely unperturbed by the dark lessons of war. He shrugged off Mike Altman's lyric with a careless finger-snappy breeziness:

> Suicide is painless,
> It brings on many changes,
> And I can take or leave it if I please . . .

Yeah, baby.

Since 9/11, confronted by the smug indestructible conventional wisdom of the multiculti counter-tribalists in America and Europe, I've often found that loopily swingin' "Suicide is painless" swimming up from the recesses of my memory. "Civilizations die from suicide, not murder," wrote Arnold Toynbee in his now mostly forgotten work on the subject. But surely it's never been embraced quite so insouciantly as by our present-day elites. Guantanamo is denounced around the world as the gulag to end all gulags because of shocking torture revelations such as this:

"A female interrogator took an unusual approach to wear down a detainee, reading a Harry Potter book aloud for hours. He turned his back and put his hands over his ears."

Good grief, what next? Will they force detainees to sit through PBS pledge-drive weeks, watching the same Peter, Paul & Mary reunion specials over and over, punctuated only by local announcers touting the complimentary Bill Moyers mug you receive for a $200 "level of membership"?

If J. K. Rowling is the Torquemada de nos jours, nothing should surprise us. Nonetheless, even in my jaded state, I was taken aback by the remarks of Andrew Jaspan, editor of the Melbourne *Age*, one of Australia's biggest newspapers. You'll recall that Douglas Wood, an Aussie taken hostage in Iraq, was recently rescued, and immediately apologized to John Howard and President Bush for a video statement he'd made during his capture calling for the withdrawal of coalition forces. No apology necessary: Obviously such demands are made under duress, and it's only the media's insistence on treating them as a serious contribution to foreign-policy analysis that gives them any currency whatsoever. He then went on to describe his captors as "a**holes," or, if you prefer, "assh***s."

The *Age*'s editor didn't care for this brusque mean-spirited judgmentalism. As Mr. Jaspan told Australia's ABC network, "I was, I have to say, shocked by Douglas Wood's use of the a**hole word, if I can put it like that, which I just thought was coarse and very ill-thought-through and I think demeans the man and is one of the reasons why people are slightly skeptical of his motives and everything else. The issue really is largely, speaking as I understand it, he was treated well there. He says he was fed every day, and as such to turn around and use that kind of language I think is just insensitive."

And heaven forbid we're insensitive about "insurgents." True, a blindfolded Mr. Wood had to listen to his captors murder two of his colleagues a few inches away, but how crude and boorish would one have to be to hold that against one's hosts? The liberation of Douglas Wood is surely a first: He didn't get Stockholm Syndrome, but everyone back home did. What's with this guy, anyway? They fed him every day and if they'd ever got around to sawing his head off they'd have got out the nice sharp scimitar, not the old rusty thing they used for Nick Berg. Like, why's he so totally insensitive? Is he a Bush supporter or something?

The other fellow in this story who hasn't got Stockholm Syndrome is, in fact, from Stockholm. Mr. Wood's fellow hostage, Ulf Hjertstrom, has decided to operate on that even more "insensitive" and "coarse" principle—don't get mad, get even. "I have now put some people to work to find these bastards," he told Australian TV. "I invested about $50,000 so far, and we will get them one by one."

"The sooner the better," agreed Wood.

"These scum should be put out of business," added Mr. Hjertstrom, evidently some Sylvester Stockholm-type Nordic Rambo insufficiently grateful for his couple of months on the Halal diet.

I'd be happy to chip in to his get-the-bastards fund. It'll do more good than most tsunami donations.

I'd be happy to chip in to his get-the-bastards fund. It'll do more good than most tsunami donations. The head-hackers have murdered dopey peaceniks and female aid workers and, of course, hundreds of Iraqi Muslims—and Ted Kennedy says, "Our military and the insurgents are fighting for the same thing: the hearts and minds of the people." Detonating the hearts, minds, and organs over a shopping market seems an odd way of doing it.

Karl Rove is right and the point is unarguable: Those whom we erroneously call "liberal" have no stomach for the defense of liberalism—not if it involves reading Harry Potter to terrorists or calling them "a**holes," a term properly reserved for disparaging Bush and Cheney, but only if the guys before you did all the best Hitler cracks first. The Islamists can't win, but we can certainly lose—all by ourselves, and, as the Europeans are discovering in this first stage of their demographic death-spiral, civilizational suicide is never painless. **NR**

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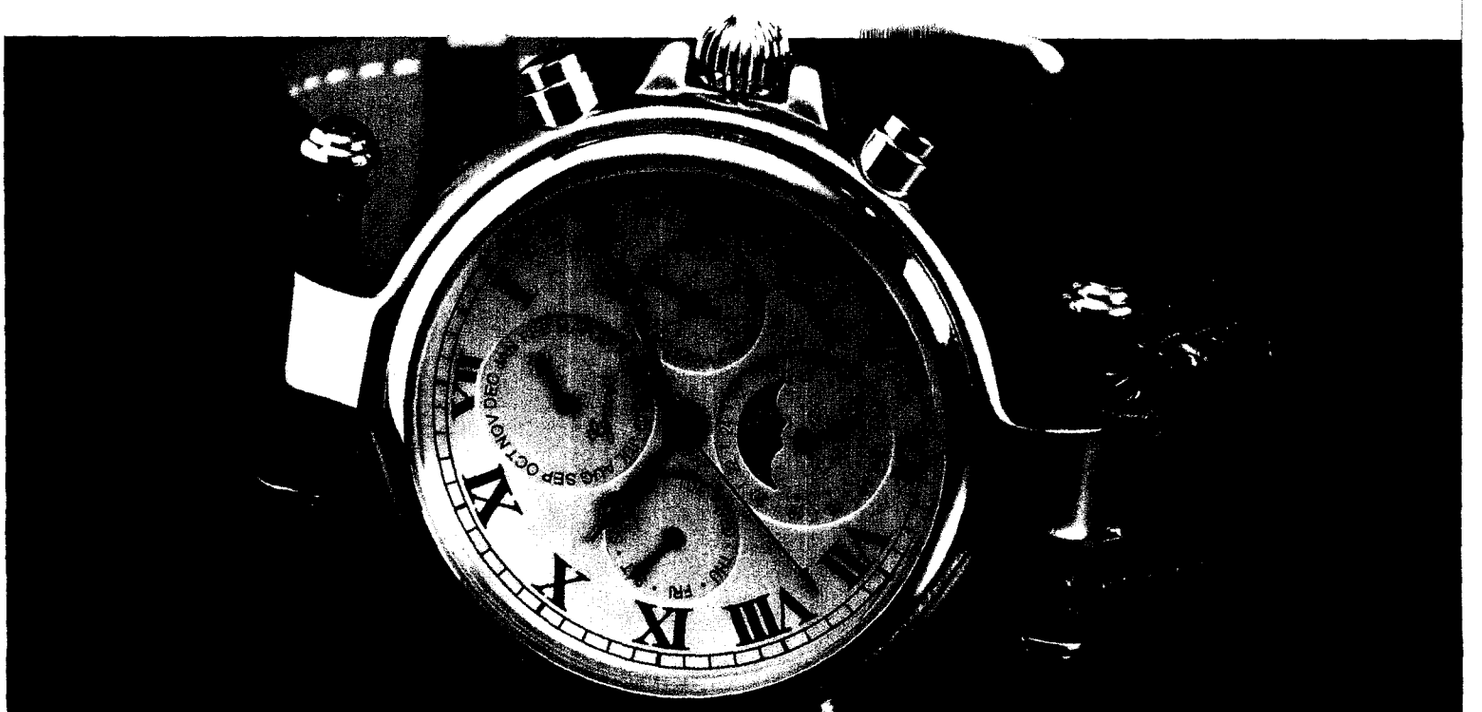

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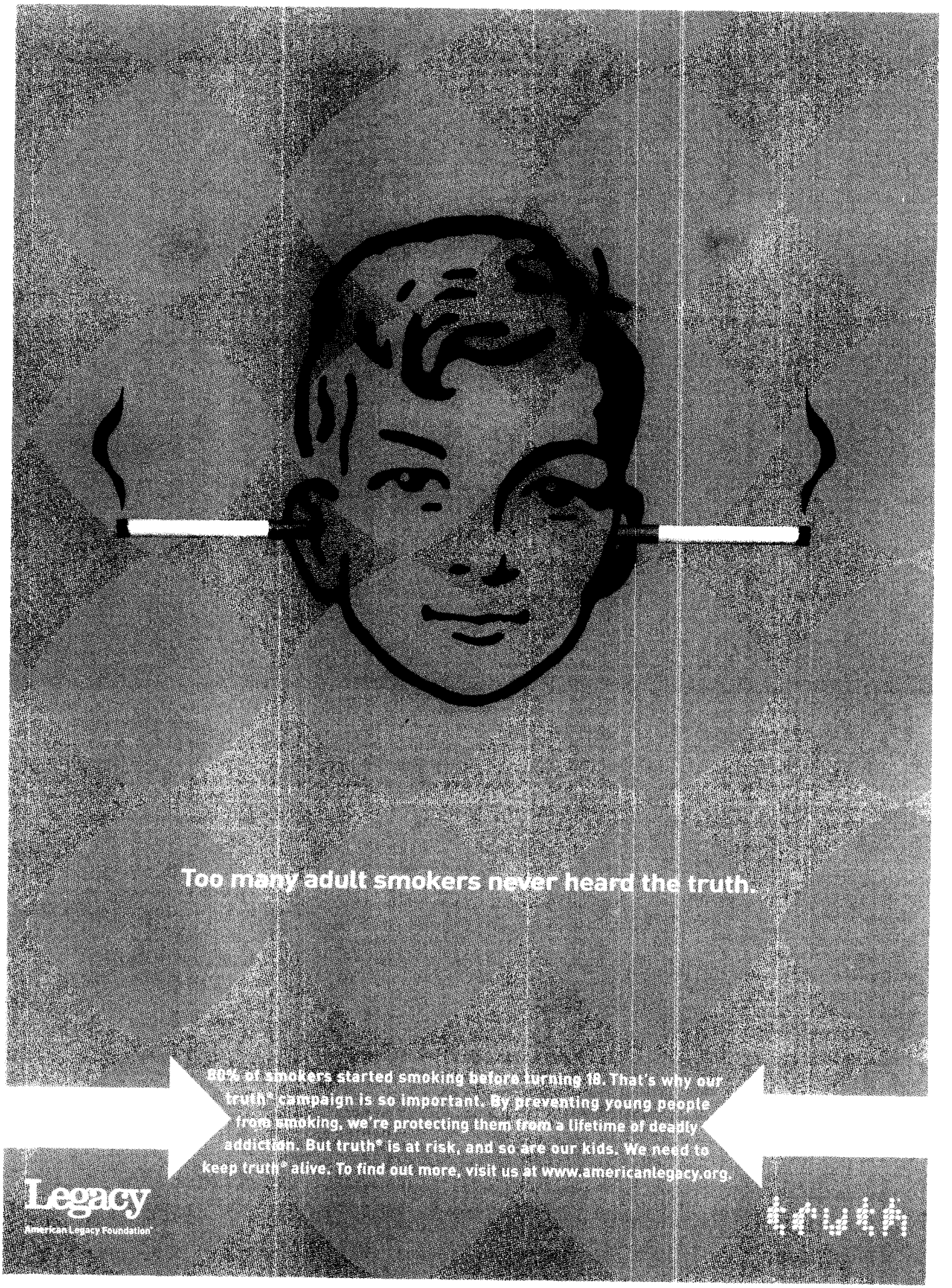
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